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RECEIVED  
SEP 26 2014  
DEPARTMENT OF  
WATER RESOURCES

Attorneys for Rangen, Inc.

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

**IN THE MATTER OF DISTRIBUTION  
OF WATER TO WATER RIGHTS HELD  
BY RANGEN, INC., WATER RIGHT  
NOS. 36-00134B, 36-00135A, AND 36-  
15501**

**DOCKET NO. CM-DC-2014-004  
  
RANGEN, INC.'S MOTION FOR  
SUMMARY JUDGMENT**

Rangen, Inc. ("Rangen"), by and through its attorneys of record, Robyn M. Brody of Brody Law Office, P.L.L.C.; Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C., and J. Justin May of May, Browning & May, P.L.L.C., hereby files this Motion for Summary Judgment and requests that the Director:

1. Enter an Order finding that Rangen has suffered, and will suffer, material injury to Rangen's 1884, 1908 and 1957 Water Rights as a result of junior-priority ground water pumping in the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to the

extent those Districts overlies the ESPA;

2. Enter an Order finding that the defenses to Rangen's claim of material injury were previously adjudicated and rejected.

3. Immediately, and without further hearing or delay, administer and distribute water in the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlies the ESPA in accordance with the prior appropriation doctrine as required by I.C. § 42-602;


4. Immediately, and without further hearing or delay, order the water masters of the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to curtail junior-priority ground water pumping as necessary to deliver Rangen's water in accordance with the prior appropriation doctrine.

Rangen has filed contemporaneously herewith a separate Memorandum and the Affidavit of J. Justin May in support of this Motion for Summary Judgment.

DATED this 26th day of September, 2014.

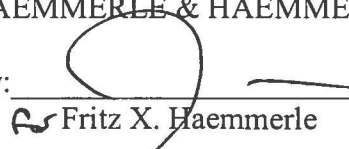
BRODY LAW OFFICE, PLLC

By: \_\_\_\_\_

 Robyn M. Brody

HAEMMERLE & HAEMMERLE, PLLC

By: \_\_\_\_\_

 Fritz X. Haemmerle

MAY, BROWNING & MAY, PLLC

By: \_\_\_\_\_

 J. Justin May

## CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 26th day of September 2014 he caused a true and correct copy of the foregoing document to be served upon the following:

<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 checked="" 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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J. Justin May