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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant and Objector
Pioneer Irrigation District

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase Nos. 63-00166A 63-00166B
63-00167A 63-00167B
63-00179A 63-00179C
63-32580

**AFFIDAVIT OF MARK ZIRSCHKY
IN SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT AND MOTION
TO REMAND**

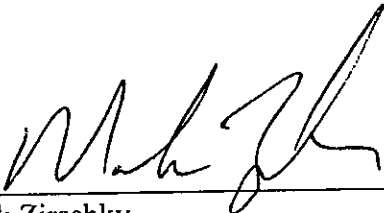
STATE OF IDAHO)
) ss.
County of Canyon)

Mark Zirschky, having been duly sworn upon oath, deposes and states as follows:

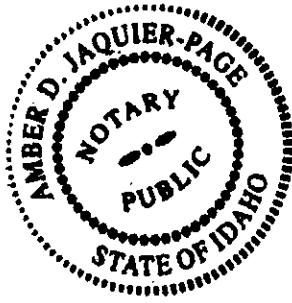
1. I am the current Superintendent for the Pioneer Irrigation District, a position I have held since August 2010. As Pioneer's Superintendent, I am responsible for the overall operation of the District, including overseeing daily water delivery and drainage functions and overseeing and planning maintenance and repair activities for the District's facilities. Prior to becoming the Superintendent, I was Pioneer's Assistant Superintendent, a position I held since 2003. As the Assistant Superintendent, I was responsible for the coordination and supervision of district-wide operation and maintenance activities. I began my employment with Pioneer in 1992. During my tenure with Pioneer, I have participated in extensive operation and maintenance activities on water conveyance facilities owned and/or operated by Pioneer throughout its service area, and have supervised and coordinated such activities by other Pioneer employees. In fact, for the years 1998 through 2003, I was the ditchrider in charge of operating the Highline Canal. Based upon my employment with Pioneer since 1992, I am knowledgeable about the operation of Pioneer's irrigation delivery and drainage facilities, including the Highline Canal. I make this affidavit based upon my personal knowledge.

2. Based upon my knowledge and experience with Pioneer, Pioneer owns the Highline Canal, also known as the Caldwell Canal and/or the Caldwell Highline Canal. Pioneer is the only party who operates and maintains the Highline Canal, and I am not aware of any claims by other parties of ownership of the Canal.

Further your affiant sayeth naught.


Mark Zirschky

SUBSCRIBED AND SWORN to before me this 10th day of September, 2010.



Amber D. Jaquier-Page
NOTARY PUBLIC FOR IDAHO
Residing at Middletown
My Commission Expires 9/26/12

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2010, I caused a true and correct copy of the foregoing **AFFIDAVIT OF MARK ZIRSCHKY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AND MOTION TO REMAND** to be served by the method indicated below, and addressed to the following:

Mason Creek Ditch Company

Represented by:

Albert P Barker

BARKER ROSHOLT & SIMPSON LLP

1010 W. Jefferson, STE 102

P.O. Box 2139

Boise, ID 83701-2139

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Franklin Ditch Co.

Represented by:

Jon C. Gould

Daniel V. Steenson

RINGERT CLARK CHARTERED

P.O. Box 2773

Boise, ID 83701

☒ U.S. Mail, Postage Prepaid

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Martin Galvin

P.O. Box 115

Middleton, ID 83644

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John J. McEvoy

1703 N. KCID Road

Caldwell, ID 83605

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Director

IDAHO DEPARTMENT OF WATER RESOURCES

322 E. Front Street, 6th Floor

P.O. Box 83720

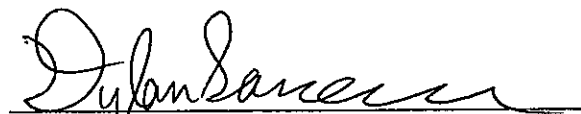
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Dylan B. Lawrence