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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

**MOTION TO DETERMINE ENFORCEABILITY
OF SETTLEMENT AGREEMENT WITH
MASON CREEK DITCH COMPANY**

Pioneer Irrigation District, through undersigned counsel of record, hereby files this motion to determine the enforceability of a settlement agreement between itself and the Mason Creek Ditch Company in the above-referenced subcases, pursuant to SRBA Rules of Procedure 1 and 10(h) and Idaho Rule of Civil Procedure 7(b)(3). Pioneer believes that the settlement agreement in question is unenforceable under Idaho law, and Pioneer requests a

determination from the Court to that effect. This motion is supported by a memorandum of law, an affidavit of counsel, and affidavits of Pioneer President Alan Newbill and Pioneer Superintendent Mark Zirschky.

Pioneer requests a hearing on this motion.

DATED this 8th day of February, 2011.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Pioneer Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2011, I caused a true and correct copy of the foregoing **MOTION TO DETERMINE ENFORCEABILITY OF SETTLEMENT AGREEMENT WITH MASON CREEK DITCH COMPANY** to be served by the method indicated below, and addressed to the following:

Mason Creek Ditch Company

Represented by:

Albert P. Barker

Shelley M. Davis

BARKER ROSHOLT & SIMPSON LLP

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Boise, ID 83701-2139

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Franklin Ditch Company

Represented by:

Daniel V. Steenson

Jon C. Gould

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Director

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