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DEPARTMENT OF
WATER RESOURCES

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
Dylan B. Lawrence, ISB No. 7136
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18946.0137

In Re SRBA
Case No. 39576

AFFIDAVIT OF DYLAN B. LAWRENCE

Dylan B. Lawrence, having been duly sworn upon oath, deposes and states as follows:

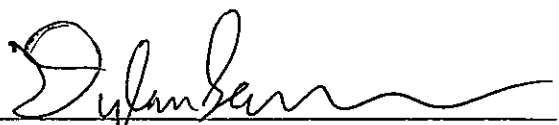
1. I am an attorney duly licensed to practice law in the state of Idaho. I am one of the attorneys representing Pioneer Irrigation District in the above-referenced matter. I have access to the client's files in this matter, and make this affidavit based upon my personal knowledge.

2. Attached hereto as Exhibit A are true and correct copies of pages 1, 5, 15, 16 of Pioneer's supplemental discovery responses, served on October 1, 2010.

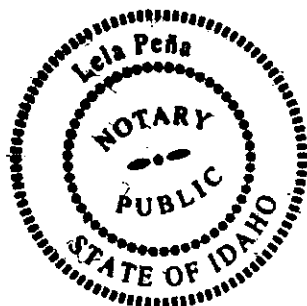
3. Attached hereto as Exhibit B is a true and correct copy of a letter from Walter Griffiths dated June 17, 1915, which Pioneer produced in discovery as Bates No. PID000074. This document is attached as Exhibit C to the Barker affidavit, but is virtually illegible as received by counsel for Pioneer.

4. Attached hereto as Exhibit C is a true and correct copy of an anonymous document dated May 9, 1938, which Pioneer produced in discovery as Bates No. PID000097. This document is attached as Exhibit E to the Barker affidavit, but is virtually illegible as received by counsel for Pioneer.

Further your affiant sayeth naught.


Dylan B. Lawrence

SUBSCRIBED AND SWORN to before me this 18th day of February, 2011.




NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 5-31-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2011, I caused a true and correct copy of the foregoing AFFIDAVIT OF DYLAN B. LAWRENCE 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

1010 W. Jefferson, Suite 102

P.O. Box 2139

Boise, ID 83701-2139

☐ U.S. Mail, Postage Prepaid

☒ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Franklin Ditch Company

Represented by:

Daniel V. Steenson

Jon C. Gould

RINGERT LAW CHARTERED

P.O. Box 2773

Boise, ID 83701

☐ U.S. Mail, Postage Prepaid

☒ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Martin Galvin

P.O. Box 115

Middleton, ID 83644

☒ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

John J. McEvoy

1703 N. KCID Road

Caldwell, ID 83605

☒ U.S. Mail, Postage Prepaid

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Director

IDAHO DEPARTMENT OF WATER RESOURCES

322 E. Front Street, 6th Floor

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Boise, ID 83720

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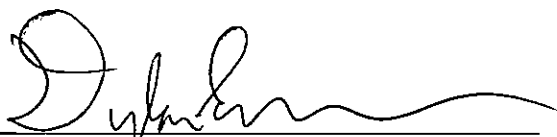

Dylan B. Lawrence

EXHIBIT A

TO THE AFFIDAVIT OF DYLAN B. LAWRENCE

In Re SRBA Case No. 39576

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

Attorneys for Claimant and Objector
Pioneer Irrigation District

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
Dylan B. Lawrence, ISB No. 7136
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18946.0137

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

**PIONEER IRRIGATION DISTRICT'S
SUPPLEMENTAL RESPONSES TO MASON
CREEK DITCH COMPANY'S FIRST SET OF
DISCOVERY REQUESTS**

COMES NOW Pioneer Irrigation District, by and through undersigned counsel,
and hereby provides its supplemental answers and responds to Mason Creek Ditch Company's
First Set of Interrogatories, Requests for Admission and Requests for Production, as follows:

rather than Boise River water. The diversion rate exceeds a reasonable duty of water when combined with the recommendation for 63-32580 and Mason's potential claim to 63-33392.

INTERROGATORY NO. 3: Please describe, with specificity, each factual and legal basis for Pioneer Irrigation District's claim to the water now identified by water right no. 63-179A.

INITIAL ANSWER TO INTERROGATORY NO. 3: The water right is diverted, conveyed, and delivered to the water users comprising the Mason Creek Ditch Co. through Pioneer's Highline Canal. Pioneer has performed all of the operation, maintenance, and repair of the Highline Canal. Mason Creek Ditch Co. has historically not contributed to the payment of expenses associated with such efforts and lacks any specific authorization from Pioneer to convey the water right through Pioneer's system. Pioneer suspects that some of the water diverted under this right has historically been used on Pioneer lands.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 3: While Mason Creek Ditch Co. lacks any specific authorization to utilize Pioneer's system, at some point in time, water right 63-179 began to be diverted, conveyed, and delivered to the water users comprising the Mason Creek Ditch Co. through Pioneer's Caldwell Highline Canal. Pioneer has performed all of the operation, maintenance, and repair of the Caldwell Highline Canal. Mason Creek Ditch Co. has historically not contributed to the payment of expenses associated with such efforts and lacks any specific authorization from Pioneer to convey the water right through Pioneer's system. To the extent that diversions of Boise River water to water right 63-179 have occurred, Pioneer suspects that some of that water has historically been used on Pioneer lands.

DATED this 1st day of October 2010.

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 1st day of October, 2010, I caused a true and correct copy of the foregoing PIONEER IRRIGATION DISTRICT'S SUPPLEMENTAL RESPONSES TO MASON CREEK DITCH COMPANY'S FIRST SET OF DISCOVERY REQUESTS 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

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Director

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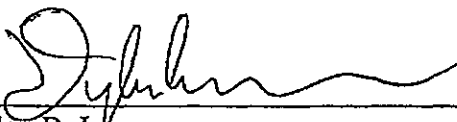

Dylan B. Lawrence

EXHIBIT B

TO THE AFFIDAVIT OF DYLAN B. LAWRENCE

In Re SRBA Case No. 39576

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

Caldwell, Idaho, June 17th, 1915.

To the State Engineer, of the State of Idaho,

The Water Master on the Boise River, and

The Board of Directors, of the Pioneer Irrigation District.

Dear Sirs:-

For and in behalf of the land owners and water users, and owners of those certain water rights, known as the Franklin Ditch Company's Rights, the Mason Creek Ditch Company's Rights, and the Right of the Caldwell Canal, now the Caldwell Highline Canal, being rights designated as Rights No. 34, No. 46, No. 77, and No. 90, of that certain decree, made and entered on the 18th day of January, 1906, in the District Court of the Seventh Judicial District, of the State of Idaho, in and for Canyon County, in that certain case known as the Boise River Priority Case, wherein the Farmer's Co-operative Ditch Company, a corporation, is plaintiff, and the Riverside Irrigating District, Limited, a corporation and others, are defendants, your attention is called to the fact, and you and each of you are hereby notified, that it is your duty to cause the waters diverted from the Boise River, under the said above mentioned Rights, to be diverted through the said Caldwell Highline Canal, for use on the lands under the flow of the said Canal. You are further notified that you are now, and for some time past have been, causing said waters under said Right No. 90, and others of said waters, to be diverted through the Phyllis Canal, for use upon lands other than the lands above mentioned, and depriving said lands of their said rights. And you are hereby further notified that you are now, and for some time past have been, depriving said lands under the flow of the said Caldwell Highline Canal of the use of the waters from Boise River to which they are rightfully entitled, and are causing said lands, and the crops growing thereon, and their owners of said lands great and irreparable injury and damage, for all of which you and each of you will be held to a strict accountability.

Respectfully,

Walter L. Trappitt

EXHIBIT C

TO THE AFFIDAVIT OF DYLAN B. LAWRENCE

In Re SRBA Case No. 39576

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

FIVE MILE--MASON CREEK--HIGHLINE

May 9, 1938

Years ago when Pioneer Irrigation District took over the Mason Creek Ditch Company and Franklin Ditch Company it enlarged the ditch those companies had been using and called it the Caldwell Highline. In return for rights-of-way of Franklin Ditch Company and Mason Creek Ditch Company, P.I.D. agreed to carry their decreed water from the river through the Highline ditch which P.I.D. had enlarged and make no assessments against the lands of those two ditch companies. Turner thinks there is a contract covering this. The Highline probably had no water until P.I.D. made this trade with the Franklin and Mason Creek Companies.

The Highline picks up Five Mile Drain water at a point about one mile South and East of the Franklin school, and picks up the Mason Creek Drain water at a point approximately two miles West of where the Five Mile water is picked up. P.I.D.'s contract with Canyon Hill Irrigation District covers this Mason Creek pickup.

Pioneer dries Five Mile Drain, dumps water into the Highline, and when there isn't sufficient water below for the Franklin and Mason Creek rights P.I.D. diverts over its canal sufficient water to supply the shortage.

These Franklin and Mason Creek rights comprise about 750 to 800 acres.

Mason Creek Ditch Company picks up the water diverted over the Highline at a point about $1\frac{1}{2}$ miles below the point where Highline crosses Five Mile Drain.

The Mason Creek Company and Mrs. J. P. Wells use the same diversion structure.

As to Highline water, P.I.D. has nothing decreed in its name. Its Highline water is decreed as follows:

To Franklin Ditch Company (Rights Nos. 34 and 77).

To Mason Creek Ditch Company (Right No. 46).