

DEPARTMENT OF
WATER RESOURCES

Attorneys for Mason Creek Ditch Company

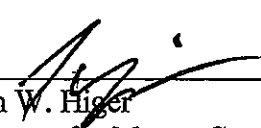
) **MASON CREEK'S REPLY IN RESPONSE**
) **TO MOTION TO DISMISS**

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affectively concedes therefore that when the Court denies Pioneer's motion to declare the agreement unenforceable, as it should, that Mason Creek's Motion to Dismiss should therefore be granted.

DATED this 18th day of February, 2011.

BARKER ROSHOLT & SIMPSON LLP



Sarah W. Higer

Attorneys for Mason Creek Ditch Company

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 18th day of February, 2011, I caused to be served a true and correct copy of the foregoing **MASON CREEK'S REPLY IN RESPONSE TO MOTION TO DISMISS** by the method indicated below, and addressed to each of the following:

Filed via Hand Delivery:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Served via U.S. Mail:

IDWR Document Depository
P.O. Box 83720
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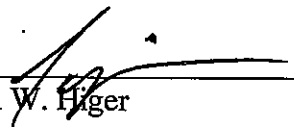
United States Department of Justice
Environment & Natural Resc Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
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