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under water right nos. 77-2088 and 77-4049 in the Snake River Basin Adjudication ("SRBA"). Each of the water rights claimed by Mackay Bar Corporation have been recommended by the Director of the Idaho Department of Water Resources. A copy of the water rights is attached hereto. Objectors are not aware of any other party objecting to the recommendations.

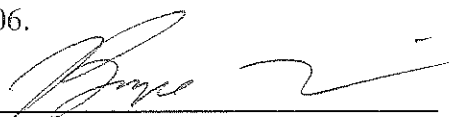
In September of 2006, after the objection period, Objectors learned of the water right recommendations and the position of Mackay Bar Corporation or its successors in interest that the Objectors did not have water rights from Mackay Creek or the Salmon River to provide domestic and irrigation water for their lots and cabins. Accordingly, Objectors are filing this Motion to file a late objection to water right nos. 77-2088 and 77-4049 to protect their interests in the water rights and right to continued use and supply of water to their lots and cabins. In addition, or in the alternative, the Objectors are also filing motions for late claims based upon their beneficial use of the water at their lots and cabins.

Based upon these facts, there is sufficient good cause to allow Objectors to file late objections in order to resolve the ownership of these water rights. A motion to file a late objection is determined pursuant to I.R.C.P. 55(c), which applies the "good cause" standard. The good cause standard takes into account the following factors: (1) whether the default/late objection was willful; (2) whether setting aside the judgment/objection period would prejudice the opponent; and (3) whether a meritorious position has been presented. *McFarland v. Curtis*, 123 Idaho at 936, 854 P.2d at 279. In this situation, there has been no willful or intentional delay by the Objectors, and Mackay Bar Corporation will not be prejudiced by the filing of these late objections. Moreover, the Objectors have a meritorious position as to the ownership of the water rights and the need to protect and recognize their interest in the water rights.

SUMMARY

For these reasons, the Objectors respectfully request that the Court grant their Motion to File Late Objections in these subcases.

Dated this 13th day of October, 2006.


S. Bryce Farris
RINGERT CLARK, CHARTERED

CERTIFICATE OF SERVICE

I certify that on the 13th day of October, 2006, I served copies of this document, including all attachments to the following:

1. By U.S. Mail

Mackay Bar Corporation
P.O. Box 7968
Boise, ID 83707

Director
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702


Person serving documents

Exhibit A

1. Farris Scott and Victoria M. Lind
2. Roger Anderson
3. Steve and Shelly Rambo, Rodd and Chris Higgins and Marvin Thomas
4. Harvey Geis, Dennis and Kim Geis and Jon Vanderhoef
5. James and Carrie Cheatham, Eldon and Chereese Howard, Frank Fritzie and Gary and Kathy McLean
6. Brian and Sandra Anderson

S. BRYCE FARRIS (ISB #5636)
RINGERT CLARK CHARTERED
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

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) WATER RIGHT NUMBER 77-_____
_____) AFFIDAVIT IN SUPPORT OF LATE
CLAIMS AND LATE OBEJECTIONS

STATE OF IDAHO)
COUNTY OF ADA) ss

Shelley Rambo, after being duly sworn upon oath, deposes and states as follows:

1. My name is Shelley Rambo. My husband, Steve Rambo, and I own Lots 14, 15 and 16, Tract #1 of Mackay Bar Subdivision in Idaho County, Idaho with Rod and Chis Higgins and Marvin Thomas. Our property includes a cabin/house which was constructed in approximately 1960 (hereinafter "Cabin Property").

2. The Cabin Property is part of the Mackay Bar Subdivision and has been using both irrigation and domestic water from Mackay Creek and the Salmon River. I am familiar with the within the subdivision, including the water system for the Cabin Property and the other lots. Attached hereto as Exhibit A is a true and correct copy of a list of the owners of the cabins and lots within Mackay Bar Subdivision.

3. With regard to Mackay Creek, water is diverted from Mackay Creek into tanks and

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then there is a pipeline that provides water along the back of the lots for the Mackay Bar Subdivision. The Cabin Property diverts the water from the pipeline and then beneficially uses the water for domestic purposes and uses the water to irrigate the Cabin Property. The pipeline continues past the Cabin Property and provides domestic and irrigation water to the remaining lots and cabins within the Mackay Bar Subdivision. This system has been in place since I have owned the Cabin Property and to the best of my knowledge since the subdivision was platted.

4. With regard to the Salmon River, there is a pump in the Salmon River that diverts water from the Salmon River for irrigation purposes. The water is pumped from the Salmon River and then lands of the Mackay Bar Subdivision are irrigated, including the Cabin Property and the other lots in the subdivision.

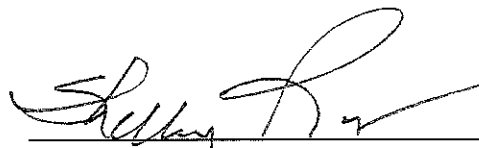
5. The owners of the Mackay Bar Corporation have charged us for the maintenance and use of the water on our property. I have also reviewed the chain of title and deeds for the Cabin Property and I am not aware of any reservations of water rights by grantees or predecessor's in interest. Thus, it is my belief that the water rights from Mackay Creek and the Salmon River are appurtenant to the Cabin Property.

6. I am not aware of and do not recall receiving a notice from the Idaho Department of Water Resources or the Snake River Basin Adjudication as to any deadlines to file a notice of claim for water rights to the Cabin Property. I am also not aware of and do not recall receiving a notice from the Idaho Department of Water Resources or the Snake River Basin Adjudication as to any deadlines to file objections to water rights claimed by the Mackay Bar Corporation.

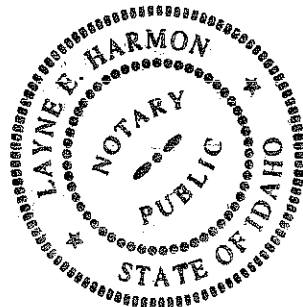
7. In September of 2006, I was informed Mackay Bar Corporation was claiming ownership of the water rights from Mackay Creek and the Salmon River and that said water rights

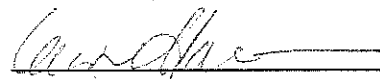
had been recommended to the Mackay Bar Corporation under water right nos. 77-2088 and 77-4049. I was then informed that Mackay Bar Corporation or its new owners contend that the Cabin Property and the individual lot owners did not have any water rights from Mackay Creek or the Salmon River.

8. Based upon this information, I and the other lot owners are desiring to file late objections to water rights nos. 77-2088 and 77-4049 for the purpose of ensuring that each individual lot owner's water right and right to receive irrigation and domestic water is not interrupted. In addition, or in the alternative, I and the other lot owners desire to file late claims based upon historic and beneficial use of the water from Mackay Creek and the Salmon River for domestic and irrigation purposes on the Cabin Property and the individual lots.


SHELLEY RAMBO

Sworn to and subscribed before me this 11 day of October, 2006.




Notary Public for Idaho
Residing in 72614, Idaho.
My Commission Expires: 7/20/10

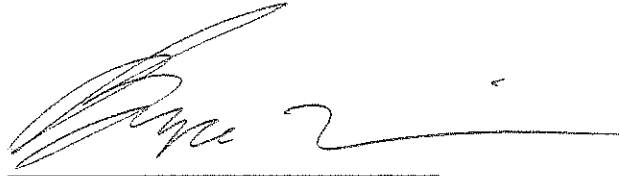
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Director
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A handwritten signature in black ink, appearing to read 'S. Bryce Farris', is written over a horizontal line.

S. Bryce Farris