

Charles L. Honsinger (#5240)
Ringert Clark, Chartered, LLP
P.O. Box 2773
Boise, ID 83702
(208)342-4591

9402512
NOV 22 2006
DEKRAU...
CLERK...
CLERK...

Attorneys for Claimant Meadow Creek Homeowners Association

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 NUMBER 63-3165
)
)

) AFFIDAVIT OF JOHN EVERINGHAM IN
) SUPPORT OF MOTION TO FILE LATE
) OBJECTION
)
)

STATE OF IDAHO

COUNTY OF ADA

)
) ss
)

JOHN EVERINGHAM, being first duly sworn upon his oath, deposes and says that:

1. I am on the Board of Directors of the Meadow Creek Homeowners Association (hereinafter "MCHOA"). I served as a Board Member for one year at the time of the Board's formation in late 1993, and have served again beginning in early 2006. Additionally, I have been involved in the management of MCHOA affairs by my participation on other committees between my two periods of service on the MCHOA Board.

2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

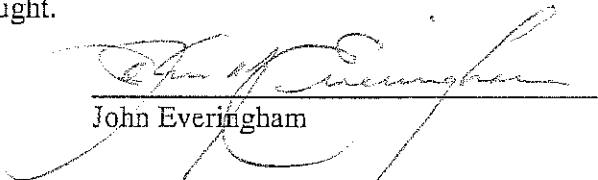
3. MCHOA's water rights were managed by O'Neill Enterprises, Inc. (the subdivision

developer) until approximately late 1993. When the MCHOA Board was created in or about late 1993, management of MCHOA's water rights was turned over to the MCHOA Board. However, I do not recall any discussion or documents related to notification of IDWR regarding the change of management and associated change of mailing address.

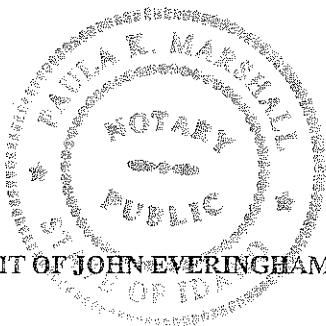
4. In late 1993 through the end of my first term of service as a Board Member, the Board was unaware of the necessity to inform the Idaho Department of Water Resources ("IDWR") of the change in address occasioned by the change in water right management responsibilities. During my latest term of service, the Board has likewise been unaware of the requirement to inform IDWR of the change of address. It is my understanding from speaking with other Board Members that the Board has been unaware of such requirement during the entire term of its existence.

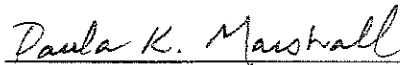
5. In October of 2006, the MCHOA Board requested that its attorney review SRBA filings related to the MCHOA water rights. It was not until that time that the Board discovered that it had not received notice of the recommendation previously filed in the SRBA for water right no. 63-3165. Additionally, it was not until that time that the Board discovered that the water right's elements were diminished from that which was originally claimed in the SRBA.

Further your affiant sayeth naught.


John Everingham

Sworn to and subscribed before me this 20th day of November, 2006.




Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 8-17-08

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Affidavit of John Everingham in Support of Motion to File Late Objection was made this 21st day of November, 2006, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

A handwritten signature in cursive script, appearing to read "Charles E. Hoas", written over a horizontal line.

Person Mailing Document