



My name is Gary T. Eden and Glenna R. Eden

My address is 414 North 800 West, Shoshone, Idaho 83352

I am an attorney representing Gary T. Eden and Glenna R. Eden

My name is Dana L. Hofstetter

My address is HAWLEY TROXELL ENNIS & HAWLEY LLP, 877 Main Street, Suite 1000, P.O. Box 1617, Boise, ID 83701-1617

My phone number is 208-344-6000

### MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

I did not file a Notice of claim to the use of water in the SRBA because:

*See contemporaneously filed Motion to Set Aside Final Unified Decree and Order Closing Claims Taking Basins 01, 02, 03, 31, 34, 35, 36, 37, 41, 45, 47, and 63, and Disallowal of Unclaimed Water Rights, SRBA Subcase No. 00-92099 and Memorandum in Support; Affidavit of Gary Eden; Affidavit of Glenna Eden; and Affidavit of Dana Hofstetter.*

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

*Anthony M. Gomes v. James Devaney, Decree, September 11, 1918;  
Warranty Deed, Lincoln County Instrument No. 156516.*

I have attached:

- A fully completed Notice of Claim (available from IDWR).
- A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$\_\_\_\_\_.
- A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$140.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information: This motion will be heard on October 27, 2016,  
1:30 p.m., Mountain Time at the SRBA courthouse, 253 Third Avenue North, Twin Falls,

Idaho.

### MOTION TO FILE AN AMENDED NOTICE OF CLAIM

*A Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- I must amend my Notice of Claim to the use of water in the SRBA because:

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- I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

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I have attached:

- An amended Notice of Claim (available from IDWR).
- Payment of the following additional fees required by IDWR:

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**VERIFICATION (Must Be Completed)**

STATE OF IDAHO )  
 ) ss.  
County of Ada )

Dana L. Hofstetter, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
Signature of person filing motion

*[Handwritten Signature]*  
\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on September 29, 2016  
(Insert Date)



*Christina Shull*  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Kuna, ID  
My commission expires: 8/3/2017

**INSTRUCTIONS FOR MAILING**

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

**CERTIFICATE OF MAILING**

I certify that on September 29, 2016, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
State of Idaho  
PO Box 83720  
Boise, ID 83720-0010

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

SRBA Court Certificate of Mailing for Expedited Hearings

  
Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR LINCOLN COUNTY

Anthony M. Gomes,	)	
Plaintiff	)	
vs.	)	D E C R E E
James Devaney, Watermaster	)	
Defendant	)	

This cause came on regularly to be heard in open Court this the 10th day of September, 1918, plaintiff appearing by his counsel, Frank T. Disney, and the Defendant not appearing and being in default, and his default having been entered, and it appearing that the said defendant had been personally served with a copy of the summons and complaint in said action, and that due and legal notice of the pendency of said action had been given by publication, and in accordance with law and the orders of Court. Witnesses having been sworn and testified on behalf of plaintiff, and the court being fully informed and advised in the premises, and having ordered that judgment be rendered in accordance with the law, and findings of facts and conclusions of law;

**37-0864** IT IS ORDERED, ADJUDGED AND DECREED. That the plaintiff, Anthony M. Gomes, does have judgment for a right to use for irrigation and domestic purposes forty (40) inches of water on the basis of fifty (50) inches thereof, as equivalent to the flow of one cubic foot per second of time, as prescribed by the laws of Idaho, appurtenant to the Southwest Quarter of the Southwest quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Nine (9) Township Five (5) South, Range sixteen (16) East of the Boise Meridian, from the waters of Big Wood River, and its tributaries, under date of priority of use of September 28th, 1896. This decree is made as supplementary to the decree in the former adjudicated action of S. C. Frost, et al plaintiffs, vs. Alturas Water Company, a corporation, et al defendants, in accordance with Chapter 224, Session Laws of Idaho of 1911, and its amendments.

Signed at Shoshone, Idaho September 11th, 1918.

H. F. Ensign,  
Judge of the District Court

Filed September 13, 1918

J. W. Lundin, Clerk

By Mildred Barger, Deputy

JUN 13 1918

STATE OF IDAHO )  
                  ) ss  
County of Lincoln )

I, E. A. Bowler, Clerk of the District Court and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the original decree, now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho, in Book 2, at page 597.

In TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 7th day of June, A. D. 1927.

E. A. BOWLER

Clerk-Ex-Officio Recorder

By: VENETTA ALBERT

Deputy

RECORDED  
JUN 15 1927



WARRANTY DEED

For Value Received

Richard C. Bateman and Carolyn J. Bateman, husband and wife,  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Gary T. Eden and Glenna R. Eden, husband and wife,  
hereinafter referred to as Grantee, whose current address is

800 West 414 North, Gooding, ID 83330

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 30, 1992.

Richard C. Bateman  
Richard C. Bateman

Carolyn J. Bateman  
Carolyn J. Bateman

STATE OF IDAHO

COUNTY OF ✓

On This 30<sup>th</sup> day of November, in the year 1992, before me, a Notary Public in and for said State, personally appeared Richard C. Bateman and Carolyn J. Bateman, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

156516

STATE OF IDAHO  
COUNTY OF LINCOLN  
Recorded on the request of  
FIRST AMERICAN TITLE

D.C. - 2 1992

on 12/1/92 returned post 4:12 PM  
recorded by Heidi Anderson, W.P.  
Fee: 1.00. Return to: FAA Title

By hand.

Claudia Thornton  
Notary Public for Idaho  
Residing at Bonnie's Ferry, Idaho  
Commission Expires: 4-28-97



First American Title Company of Idaho

EXHIBIT A

PARCEL I

The Northeast Quarter of the Southeast Quarter of Section 8, Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho.

PARCEL II

The Southwest Quarter of Section 9, Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho.

EXCEPTING THEREFROM tract 205' x 207'3" in the Northeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 9, Said tract described by metes and bounds as follows:

BEGINNING at the Northeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 9;  
Thence West along the North line of said 40 acres, 205 feet more or less to a point due North of the division fence now existing;  
Thence South along the division fence as it now exists 207'3, more or less, to the Southwest Corner of said tract,  
Thence continuing East on said division fence 205 feet, more or less, to the East line of said 40 acres;  
Thence North to the point of beginning.

TOGETHER with 160 shares of Big Wood Canal Company water.

SUBJECT TO:

1. Taxes for 1992 are an accruing lien and not yet due or payable.

2. These premises are within the boundaries of American Falls Reservoir District No. 2 and are subject to the levies and assessments thereof and restrictions and limitations thereof as specifically set forth in contract dated October 14, 1954, by United States of America with American Falls Reservoir District No. 2, recorded January 4, 1955 in Book 5 Agreements Page 485, records of Lincoln County, Idaho.

3. Liens, levies and assessments of the Big Wood Canal Company, and the rights, powers and easements of said company as by law provided.

4. Canals and laterals of Big Wood Canal Company and subject to the rights of ingress and egress.

5. Terms, Provisions, and Conditions contained in an Agreement, as set forth therein, of the Official Records of said County.  
Dated: April 18, 1906

For the purpose of: use of waste water and right of way for ditch  
By: Anthony M. Gomes Between: Manuel Silva  
Recorded: April 30, 1906 Book 1 of Agreements and Bonds at Page 26

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EXHIBIT A CONTINUED

6. An Easement over said land for incidental purposes, according to the provisions as set forth therein of the Official Records of said County.

Purpose: enlargement of irrigation ditch  
In favor of: Edward Campbell and Dollie McTaggart  
Recorded: June 12, 1909 In Book 7 of Deeds at Page 388

7. An Easement for roads, railroads, ditches and incidental purposes as they now exist.

8. A Mortgage to secure an original indebtedness of \$20,000.00, and any other amounts and/or obligations secured thereby, recorded September 10, 1969, as Instrument No. 122765, Official Records.

Dated: September 10, 1969  
Mortgagor: Farrell Conk and Erma F. Conk, Husband and Wife  
Mortgagee: The United States of America, acting through the Farmers Home Administration

9. A Mortgage to secure an original indebtedness of \$49,600.00, and any other amounts and/or obligations secured thereby, recorded February 21, 1974, as Instrument No. 128491, Official Records.

Dated: February 21, 1974  
Mortgagor: Richard C. Bateman and Carolyn J. Bateman, his wife  
Mortgagee: The United States of America, acting through the Farmers Home Administration