

SUMMARY STATEMENT

Eden v. State of Idaho, Docket No. 44716

In their appeal arising out of Twin Falls County, Appellants, Gary and Glenna Eden (“the Edens”), challenged an order issued by the Snake River Basin Adjudication (“SRBA”) court denying their Motion to File a Late Notice of Claim and Motion to Set Aside the Final Unified Decree and the Closure Order for Basin 37, Part 1. The Edens sought to file a Late Notice of Claim for Water Right No. 37-864, which was not claimed during the pendency of the SRBA. The SRBA court denied the Edens’ motions and determined (1) that the record contradicted the Edens’ claim of inadequate service; (2) that an unclaimed water right in a general adjudication is not a default judgment; and (3) that the Edens did not timely file a Rule 60(b)(1) motion nor did they show unique and compelling circumstances justifying relief under Rule (60)(b)(6).

The Idaho Supreme Court unanimously affirmed the SRBA court’s decision that the Edens received the statutorily required Second Round Service Notice, that the SRBA court’s disallowal of an unclaimed water right was not a default judgment requiring additional notice, and that because the Edens filed their motions after the Closure Order was issued, they could not timely file a rule 60(b)(1) motion and, therefore, are precluded from relief under Rule 60(b)(6).