

Bond Case Briefs

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TORT CLAIMS - IDAHO

CNW, LLC v. New Sweden Irrigation District

Supreme Court of Idaho, Idaho Falls, September 2016 Term - November 3, 2016 - P.3d - 2016 WL 6520152

After a sinkhole developed on landowner's property, landowner brought action against irrigation district and city, alleging that their actions relating to a canal caused the sinkhole.

Irrigation district moved for summary judgment, arguing that landowner failed to comply with notice requirements of Idaho Tort Claims Act (ITCA).

The District Court granted the motion. Landowner appealed.

The Supreme Court of Idaho held that landowner satisfied presentment requirement of ITCA by delivering notice of its tort claim to district's attorney.

Section of Idaho Tort Claims Act (ITCA) requires presentment of claims to the secretary of a political subdivision but does not require formal service.

Presentment requirement of Idaho Tort Claims Act (ITCA) is satisfied when the notice of tort claim is delivered to an employee or agent of the governmental entity who then delivers the notice to the clerk or secretary.