

Bond Case Briefs

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STATUTE OF LIMITATION - IDAHO

Hastings v. Idaho Department of Water Resources

Supreme Court of Idaho, Boise, - February 2024 Term - April 24, 2024 - P.3d - 2024 WL 1750063

Landowner brought action seeking declaratory judgment that Department of Water Resources could no longer pursue an enforcement action against him under Stream Channel Alteration Act, and Department counterclaimed for enforcement of consent order concerning landowner's unauthorized river alterations.

The Fourth Judicial District Court granted summary judgment for Department on counterclaim after taking judicial notice and denying motion for a continuance to conduct discovery. Landowner appealed.

In a case of first impression, the Supreme Court held that:

- Two-year statute of limitations for enforcement action under Act began running when landowner brought declaratory judgment action;
- Trial court acted within its discretion in taking judicial notice of conditional permit issued by Department for river restoration work;
- Trial court acted within its discretion in denying motion for a continuance to conduct discovery; and
Department was not entitled to statutory attorney fees on appeal as prevailing party.