

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - WASHINGTON**

### **Jackass Mt. Ranch, Inc. v. South Columbia Basin Irr. Dist.**

**Court of Appeals of Washington, Division 3 - July 9, 2013 - P.3d - 2013 WL 3422678**

Owners of cherry orchard damaged by landslide resulting from seepage from irrigation wasteway brought claims of inverse condemnation, negligence, res ipsa loquitur, and trespass against irrigation district that operated wasteway.

The Court of Appeals held that:

- There was no evidence that landslide was caused by district's operation of wasteway, as opposed to design and construction of wasteway by United States Bureau of Reclamation (USBR), and, therefore, irrigation district could not be held liable on an inverse condemnation claim;
- There was no evidence that district breached applicable standard of care in its operation of wasteway, as necessary for district to be liable in negligence;
- Doctrine of res ipsa loquitur did not apply so as to relieve owners from proving specific acts of negligence; and
- There was no evidence to support intent element of a trespass claim.