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## **EMINENT DOMAIN - IDAHO**

### [State, Dept. of Transp. v. Grathol](#)

**Supreme Court of Idaho, Boise, November 2014 Term - February 11, 2015 - P.3d - 2015 WL 543197**

Transportation Department brought eminent domain action against landowner. The District Court awarded landowner \$675,000 in just compensation, and awarded Department costs as the prevailing party. Landowner appealed and Department cross-appealed.

The Supreme Court of Idaho held that:

- Evidence supported district court's holding that all 56.8 acres of owner's land had unity of use, rather than just the western 30 acres;
- Landowner suffered no severance damages;
- Expert's testimony regarding whether proposed frontage road would have impacted his opinion was irrelevant;
- Remand was required for district court to determine whether eminent domain case was extreme and unlikely so as to permit award of attorney fees;
- Costs may properly be awarded to condemnor in eminent domain proceeding, even if it is not an extreme and unlikely situation, overruling *Ada Cty. Highway Dist. v. Acarrequi*, 673 P.2d 1067;
- Trial court did not abuse its discretion in awarding costs for Transportation Department's expert; and
- Department was entitled to award of attorney fees on appeal.