

Bond Case Briefs

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EASEMENTS - IDAHO

Morgan v. New Sweden Irr. Dist.

Supreme Court of Idaho., Boise, December 2015 Term - March 4, 2016 - P.3d - 2016 WL 852737

Property owner brought negligence action against irrigation district, and district counterclaimed for declaratory judgment as to its easement's existence and scope. Following remand from the Supreme Court the District Court entered declaratory judgment determining where to measure 16-foot width of easement held district that bordered irrigation canal that ran the length of property owner's property. Property owner appealed.

The Supreme Court of Idaho held that:

- Property owner was not entitled to jury trial on declaratory judgment claim;
- Admission of new evidence was not warranted following remand;
- Trial court was not required to incorporate original judgment into judgment entered following remand; and
- District was entitled to award of appellate attorney's fees.

Claim concerned only issues of equity, and therefore property owner did not have right to a jury trial under state constitution on irrigation district's request for declaratory judgment concerning terms of easement.

Admission of new evidence was not warranted on remand to trial court in property owner's negligence action on narrow issue of determining where on the servient estate the width of a 16-foot easement held by irrigation district was to be measured. Additional evidence property owner sought to have admitted on remand was not probative on limited issue.

Judgment entered after remand was not required to describe every aspect of easement, and therefore trial court was not required to incorporate original judgment into its judgment following remand from the Supreme Court in negligence and declaratory judgment dispute between property owner and irrigation district that held easement, where Supreme Court remanded for consideration of limited issue of where on the servient estate the width of a 16-foot easement held by irrigation district was to be measured.

Irrigation district was entitled to award of appellate attorney's fees pursuant to statute that permitted municipal entities to recover fees when nonprevailing party acted without reasonable basis in fact or law in property owner's appeal following entry of declaratory judgment after remand regarding terms of district's easement, where remand was limited to narrow issue of where on property width of easement was to be determined, and property owner attempted to argue numerous issues outside scope of remand.