

SUPREME COURT OF THE STATE OF IDAHO

Jerry Machado and Terry Machado v. Charles L. Ryan and Carol Ryan, Trustees of the Charles and Carol Ryan Trust

Jerry Machado v. Charles L. Ryan, 153 Idaho 212 (2012) · No. 37888 · Decided June 29, 2012

SUMMARY

The Idaho Supreme Court reviewed competing claims to easements over property in Benewah County, including express easement, easement by necessity, easement implied by prior use, and prescriptive easement theories. The court reversed the finding of an express easement and the easement by necessity benefiting the Ryan property, while affirming the easement by necessity benefiting the Jones property. It also affirmed the fourteen-foot width of the Jones easement, vacated the snow-removal easement determination, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Horton, Justice; Burdick, Chief Justice; Eismann, Justice; J. Jones, Justice; W. Jones, Justice
JURISDICTION	Idaho
DECIDED	June 29, 2012
DOCKET	37888
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal and cross-appeal from a bench-trial judgment in an action to quiet title and obtain declaratory relief concerning easements over real property.
STANDARD OF REVIEW	Factual findings after a jury-waived trial are reviewed for clear error and will not be disturbed if supported by substantial and competent evidence. Conclusions of law are freely reviewed. The existence of ambiguity in a deed or other instrument determines the standard of review; interpretation of an unambiguous instrument is a question of law, while interpretation of an ambiguous instrument is a question of fact.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.

PARTIES

Jerry Machado and Terry Machado, Richard F. Clinton, Kristopher Jones v. Charles L. Ryan and Carol Ryan, Trustees of the Charles and Carol Ryan Trust, Kristopher Jones, Richard F. Clinton

TOPICS

easements

implied easements

easement by necessity

prescriptive easements

appellate procedure

PRACTICE AREAS

Real property

Easements

Appellate procedure

QUESTIONS PRESENTED

1. Whether the deeds and related writings created an express easement over the Machado and Clifton properties.
2. Whether the requirements for an easement implied by necessity were satisfied for the Ryan property.
3. Whether an easement implied by necessity existed for the Jones property.
4. Whether the district court's fourteen-foot width determination and fifteen-foot snow-removal easement were supported by the evidence and properly limited by the burden on the servient estate.
5. Whether the district court erred by failing to rule on the claims for an easement implied by prior use and an easement by prescription.
6. What prescriptive period applied to the Ryans' claim after the Idaho Legislature amended the statutory period from five years to twenty years.

HOLDINGS

1. The deed conveying the eastern half of the relevant tract to Clifton was unambiguous and did not create an express easement. Language stating that the conveyance was subject to an easement of record did not, by itself, establish an intent to burden the property with an easement.
2. The Ryan property did not have a great present necessity for an easement over the Machado and Clifton properties because Flat Creek Road crossed the Ryan parcel and provided access to it.
3. The Jones property was entitled to an easement implied by necessity over the Clifton and Machado properties.
4. The fourteen-foot width of the easement benefiting the Jones property was supported by substantial and competent evidence and was affirmed.
5. The district court's fifteen-foot snow-removal easement on each side of Shamrock Lane could not stand because the court made no specific findings supporting its width and did not evaluate the burden on the servient estate based on circumstances existing when the easement was created.
6. The district court was required on remand to decide the Ryans' claims for an easement implied by prior use and an easement by prescription.

7. On remand, the district court was to determine whether the Ryans proved the elements of a prescriptive easement during a five-year period before July 1, 2006; the amended twenty-year period did not apply to an easement acquired before the amendment.

KEY QUOTATIONS

“We hold that the deed conveying the E ½ of the SE ¼ of the SE ¼ of Section 19 from Timberland to Clifton is unambiguous and did not create an express easement.” (153 Idaho at 216)

“Thus, language in a deed providing that the conveyance is “subject to” easements of record does not in itself reserve an easement.” (153 Idaho at 217)

“A party asserting an easement by necessity may not create the necessity through his or her own actions.” (153 Idaho at 219)

“However, secondary easements cannot enlarge the burden on the servient estate.” (153 Idaho at 221)

FACTUAL BACKGROUND

In 1970, Promised Land & Cattle Co. conveyed the relevant tract in Section 19 to Timberland, which then conveyed portions to Clifton, the Ryans' predecessor, and Jones. A recorded road easement referred to an existing logging road that did not cross Section 19, although the road was later relocated onto Section 19 and became Flat Creek Road. The Ryans acquired their parcel in 1989, built a home accessed by Shamrock Lane, and maintained that private road; Jones's deed expressly stated that access was by a private road crossing his tract to serve other landowners. Flat Creek Road crosses the Ryan parcel, but constructing access from it to the Ryan home would be expensive and difficult.

PROCEDURAL HISTORY

The Machados filed an action to quiet title and for declaratory relief. The Ryans counterclaimed and filed a third-party complaint against Clifton seeking express, implied-by-necessity, implied-by-prior-use, and prescriptive easements; Jones intervened and sought easements across the Machados' and Clifton's properties. After a six-day bench trial, the district court found an express easement and an easement implied by necessity benefiting both the Ryan and Jones properties, fixing a fourteen-foot road easement and fifteen-foot snow-removal areas on each side. The Idaho Supreme Court reversed the express easement ruling and the implied-by-necessity ruling benefiting the Ryan property, affirmed the implied-by-necessity easement benefiting Jones, vacated the snow-removal determination, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must determine the width of any secondary easement for snow removal based on the circumstances existing when the easement was created and the burden on the servient estate. It must also decide whether an easement implied by prior use or an easement by prescription exists for the benefit of the Ryan

property, applying the five-year prescriptive period for a claim acquired before July 1, 2006. The express easement and Ryan-property easement-by-necessity rulings are reversed; the Jones-property easement implied by necessity and its fourteen-foot width are affirmed.

CASES CITED

- *Akers v. D.L. White Construction, Inc.*, 142 Idaho 293, 127 P.3d 196 (2005)
- *Tower Asset Sub Inc. v. Lawrence*, 143 Idaho 710, 152 P.3d 581 (2007)
- *Hodgins v. Sales*, 139 Idaho 225, 76 P.3d 969 (2003)
- *Coward v. Hadley*, 150 Idaho 282, 246 P.3d 391 (2011)
- *Birdwood Subdivision Homeowners' Ass'n, Inc. v. Bulotti Construction, Inc.*, 145 Idaho 17, 175 P.3d 179 (2007)
- *Backman v. Lawrence*, 147 Idaho 390, 210 P.3d 75 (2009)
- *Thomas v. Madsen*, 142 Idaho 635, 132 P.3d 392 (2006)
- *Akers v. Mortensen*, 147 Idaho 39, 205 P.3d 1175 (2009)
- *Beach Lateral Water Users Ass'n v. Harrison*, 142 Idaho 600, 130 P.3d 1138 (2006)
- *Akers v. Mortensen*, 147 Idaho 39, 205 P.3d 1175 (2009)
- *Brown v. Miller*, 140 Idaho 439, 95 P.3d 57 (2004)
- *Bob Daniels & Sons v. Weaver*, 106 Idaho 535, 681 P.2d 1010 (Ct. App. 1984)
- *Capstar Radio Operating Co. v. Lawrence*, No. 38300, 2012 WL 1918406 (Idaho May 29, 2012)
- *Argosy Trust v. Wininger*, 141 Idaho 570, 114 P.3d 128 (2005)
- *Quinn v. Stone*, 75 Idaho 243, 270 P.2d 825 (1954)
- *Conley v. Whittlesey*, 133 Idaho 265, 985 P.2d 1127 (1999)
- *Turner v. Cold Springs Canyon Ltd. Partnership*, 143 Idaho 227, 141 P.3d 1096 (2006)
- *Hughes v. Fisher*, 142 Idaho 474, 129 P.3d 1223 (2006)
- *Caldwell v. Cometto*, 151 Idaho 34, 253 P.3d 708 (2011)
- *Drew v. Sorensen*, 133 Idaho 534, 989 P.2d 276 (1999)
- *Boll v. State Farm Mutual Automobile Insurance Co.*, 140 Idaho 334, 92 P.3d 1081 (2004)
- *Benz v. D.L. Evans Bank*, 152 Idaho 215, 268 P.3d 1167 (2012)

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