

## SUPREME COURT OF IDAHO

### Pioneer Irrigation District v. City of Caldwell

153 Idaho 593 (2012) · No. 37242 · Decided November 14, 2012

#### SUMMARY

The Idaho Supreme Court considered whether Pioneer Irrigation District could deny permission for, demand removal of, or remove unauthorized encroachments affecting its irrigation easements and rights-of-way under Idaho Code section 42-1209. The Court held that the irrigation district has discretion to evaluate encroachments, subject to review for unreasonable decision-making, arbitrary or capricious action, or clearly erroneous findings, and may exercise self-help under specified circumstances. The Court reversed the district court's determination that Pioneer's irrigation easements and rights-of-way were exclusive interests, while affirming the remaining rulings addressed by the permissive appeal.

#### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                   |
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| COURT                 | Supreme Court of Idaho                                                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Horton, Justice; Burdick, Chief Justice; Eismann, Justice; Jones, Justice                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | Idaho                                                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | November 14, 2012                                                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | 37242                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | The City of Caldwell obtained a permissive appeal from an order granting Pioneer partial summary judgment concerning the authority of an irrigation district to regulate and remove encroachments on its easements and rights-of-way and the exclusivity of those interests.                                                                                                                      |
| STANDARD OF REVIEW    | Summary judgment is reviewed under the same standard applied by the trial court, with disputed facts and reasonable inferences construed in favor of the nonmoving party. The court also held that an irrigation ditch owner's decisions under Idaho Code section 42-1209 are reviewed for a reasonable decision-making process, arbitrariness or capriciousness, and clearly erroneous findings. |
| PRECEDENTIAL VALUE    | published and precedential                                                                                                                                                                                                                                                                                                                                                                        |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                   |

## PARTIES

City of Caldwell v. Pioneer Irrigation District

## TOPICS

easements

statutory interpretation

remedies

appellate procedure

municipal law

## PRACTICE AREAS

real estate

municipal law

easements

statutory interpretation

appellate procedure

## QUESTIONS PRESENTED

1. Whether Idaho Code section 42-1209 gives an irrigation ditch owner discretion to determine whether a proposed encroachment would unreasonably or materially interfere with an easement or right-of-way and to grant or deny permission on that basis.
2. What standard governs judicial review of an irrigation ditch owner's decision to deny permission for an encroachment or demand its removal.
3. Whether Idaho Code section 42-1209 authorizes an irrigation ditch owner, under specified circumstances, to remove an unpermitted encroachment without prior judicial approval and recover the removal cost.
4. Whether Idaho Code sections 42-1102 and 42-1209 make irrigation easements and rights-of-way exclusive possessory interests.

## HOLDINGS

1. Idaho Code section 42-1209 vests the ditch owner with discretion to determine whether a proposed encroachment would unreasonably or materially interfere with the use and enjoyment of its easement or right-of-way and, based on that determination, to grant or deny permission.
2. A ditch owner's determination whether to permit an encroachment is reviewed to determine whether the decision-making process was reasonable, whether the determination was arbitrary and capricious, or whether the findings supporting it were clearly erroneous.
3. Under certain circumstances, Idaho Code section 42-1209 authorizes a ditch owner to remove an encroachment without prior judicial approval and to impose the removal cost on the encroaching party.
4. A ditch owner's decision to request removal of an unpermitted encroachment or to remove it without prior judicial approval is subject to review for a reasonable decision-making process, arbitrariness or capriciousness, and clearly erroneous findings.
5. Irrigation easements and rights-of-way are not exclusive possessory interests, and Idaho Code sections 42-1102 and 42-1209 do not abrogate the common law to grant ditch owners exclusive possession.

## KEY QUOTATIONS

*"We hold that a ditch owner's determination whether to permit an encroachment will be reviewed to determine whether the decision-making process was reasonable, the determination was arbitrary and*

*capricious, or the findings upon which the determination was reached were clearly erroneous.” (599)*

*“We hold that I.C. § 42-1209 does not modify the ditch owner’s common law right to self-help. Rather, the statute codifies the ditch owner’s right to recover the cost of removing unpermitted encroachments that unreasonably or materially interfere with the use and enjoyment or the easement or right-of-way.” (600)*

*“As the statutes lack a clear expression of legislative intent to abrogate the common law and grant easement owners an exclusive right to possession, we conclude that the district court erred in holding that owners of irrigation easements and rights-of-way have an exclusive possessory interest in those easements.” (602)*

## FACTUAL BACKGROUND

Pioneer Irrigation District alleged that the City of Caldwell’s stormwater-management practices caused developers to install discharge pipes sending municipal stormwater into Pioneer’s irrigation delivery and drainage facilities without Pioneer’s permission. Pioneer alleged that the conduits unreasonably or materially interfered with its irrigation easements and rights-of-way. The dispute concerned Pioneer’s statutory authority to deny permission for encroachments and to demand or undertake their removal, as well as whether Pioneer possessed exclusive rights in the affected easements.

## PROCEDURAL HISTORY

Pioneer sued the City seeking declaratory and injunctive relief and removal of stormwater discharge conduits allegedly placed without authorization in Pioneer’s irrigation delivery and drainage facilities. On cross-motions for summary judgment, the district court ruled that Pioneer had discretion under Idaho Code section 42-1209 to deny encroachments and demand or conduct their removal, subject to limited review, and that Pioneer’s easements and rights-of-way were exclusive. The Idaho Supreme Court granted the City’s permissive appeal, affirmed the first two rulings, reversed the exclusivity ruling, and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The matter is remanded to the district court for proceedings consistent with the opinion, including correction of the ruling that irrigation easement and right-of-way owners possess exclusive rights.

## CASES CITED

- Read v. Harvey, 141 Idaho 497, 499, 112 P.3d 785, 787 (2005)
- Sprinkler Irr. Co. v. John Deere Ins. Co., 139 Idaho 691, 695-96, 85 P.3d 667, 671-72 (2004)
- Winn v. Frasher, 116 Idaho 500, 501, 777 P.2d 722, 723 (1989)
- Hayden Lake Fire Prot. Dist. v. Alcorn, 141 Idaho 307, 312, 109 P.3d 161, 166 (2005)
- Payette River Prop. Owners Ass’n v. Bd. of Comm’rs of Valley Cnty., 132 Idaho 551, 557, 976 P.2d 477, 483 (1999)

- State v. Rhode, 133 Idaho 459, 462, 988 P.2d 685, 688 (1999)
- Stephenson v. Pioneer Irr. Dist., 49 Idaho 189, 194, 288 P. 421, 422 (1930)
- Bilow v. Preco, Inc., 132 Idaho 23, 32, 966 P.2d 23, 32 (1998)
- Gonzalez v. Thacker, 148 Idaho 879, 881, 231 P.3d 524, 526 (2009)
- Carson v. Elliott, 111 Idaho 889, 891, 728 P.2d 778, 780 (Ct. App. 1986)
- Druffel v. State, Dep't of Transp., 136 Idaho 853, 856, 41 P.3d 739, 742 (2002)
- Turner v. Washtenaw Cnty. Rd. Comm'n, 467 N.W.2d 4, 4-5 (Mich. 1991)
- Devine v. City of Seward, 174 Kan. 734, 258 P.2d 302, 304-05 (1953)
- City of Bellevue v. Daly, 14 Idaho 545, 550-51, 94 P. 1036, 1038-39 (1908)
- Coulsen v. Aberdeen-Springfield Canal Co., 47 Idaho 619, 630-31, 277 P. 542, 546 (1929)
- Pioneer Irr. Dist. v. Smith, 48 Idaho 734, 739, 285 P. 474, 476 (1930)
- Nampa & Meridian Irr. Dist. v. Mussell, 139 Idaho 28, 33, 72 P.3d 868, 873 (2003)
- Lake CDA Invest., LLC v. Idaho Dep't of Lands, 149 Idaho 274, 281-82, 233 P.3d 721, 728-29 (2010)
- Statewide Const., Inc. v. Pietri, 150 Idaho 423, 429, 247 P.3d 650, 656 (2011)
- Verska v. Saint Alphonsus Reg'l Med. Ctr., 151 Idaho 889, 265 P.3d 502 (2011)
- Baker v. Ore-Ida Foods, Inc., 95 Idaho 575, 583, 513 P.2d 627, 635 (1973)
- Nampa & Meridian Irrigation District v. Washington Federal Savings, 135 Idaho 518, 522, 524, 20 P.3d 702, 706, 708 (2001)
- Reynolds Irrig. Dist. v. Sproat, 69 Idaho 315, 206 P.2d 774 (1948)
- Camp v. E. Fork Ditch Co., Ltd., 137 Idaho 850, 857, 55 P.3d 304, 311 (2002)
- City of Boise v. Ada County, 147 Idaho 794, 802, 215 P.3d 514, 522 (2009)
- Rammell v. Idaho State Dep't of Agric., 147 Idaho 415, 422-23, 210 P.3d 523, 530-31 (2009)