

SUPREME COURT OF IDAHO

Nampa & Meridian Irrigation District v. Washington Federal Savings, 135 Idaho 518

20 P.3d 702 (2001) · No. No. 25719 · Decided March 13, 2001

SUMMARY

The Idaho Supreme Court affirmed judgment for Washington Federal Savings in a dispute over whether construction of a sidewalk and fence unreasonably interfered with an irrigation district's easement. The court held that the contractual easement and Idaho Code section 42-1102 did not give the irrigation district greater exclusive rights, and that the district court properly found no unreasonable interference. The court also upheld exclusion of public-safety evidence and denial of attorney fees and discretionary costs.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Walters, Justice; Schroeder, Justice; Kidwell, Justice; Herndon, pro tem Justice; Shindurling, pro tem Justice
JURISDICTION	Idaho
DECIDED	March 13, 2001
DOCKET	No. 25719
DISPOSITION	affirmed
PROCEDURAL POSTURE	NMID appealed from a bench-trial judgment denying its request for an injunction against construction of a sidewalk and fence within its irrigation easement. Washington Federal cross-appealed the denial of attorney fees and discretionary costs.
STANDARD OF REVIEW	Findings of fact from a bench trial are reviewed to determine whether they are supported by substantial evidence and are liberally construed in favor of the judgment; conclusions of law are freely reviewed. Evidentiary rulings and awards of attorney fees and discretionary costs are reviewed for abuse of discretion under the three-factor test from Sun Valley Shopping Center, Inc. v. Idaho Power Co.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	Nampa & Meridian Irrigation District v. Washington Federal Savings

TOPICS

easements real estate equitable relief statutory interpretation appellate procedure

PRACTICE AREAS

Real property Easements Civil procedure Appellate procedure Remedies

QUESTIONS PRESENTED

1. Whether the Channel Change Easement and Idaho Code section 42-1102 gave NMID rights that were unreasonably interfered with by Washington Federal's sidewalk and proposed fence.
2. Whether the district court abused its discretion by excluding evidence that the sidewalk and fence presented a danger to the public.
3. Whether Washington Federal was entitled to attorney fees under Idaho Code section 12-121.
4. Whether Washington Federal was entitled to discretionary costs under Idaho Rule of Civil Procedure 54(d)(1)(D).

HOLDINGS

1. The servient-estate owner may use property subject to an easement in any manner that is not inconsistent with or does not materially or unreasonably interfere with the dominant owner's use and enjoyment of the easement. NMID failed to establish that the sidewalk and proposed fence unreasonably interfered with its rights under either the Channel Change Easement or Idaho Code section 42-1102.
2. The district court did not abuse its discretion by excluding evidence concerning alleged public danger from the sidewalk and fence because neither the Channel Change Easement nor Idaho Code section 42-1102 required consideration of safety concerns as part of NMID's easement rights.
3. The district court properly denied Washington Federal attorney fees because the litigation presented legitimate, triable factual issues and was not shown to have been pursued frivolously, unreasonably, or without foundation.
4. The district court properly denied Washington Federal's requested discretionary costs because the requested items were not shown to be exceptional costs warranting an award in the interest of justice.

KEY QUOTATIONS

“The owner of the servient estate is entitled to make uses of the property that do not unreasonably interfere with the dominant estate owner's enjoyment of the easement.” (706)

“It is not the province of the Court to read desirable protections into a statute that simply are not there as a matter of legislative prerogative.” (708)

FACTUAL BACKGROUND

NMID operated and maintained the Finch Lateral, an irrigation canal crossing property owned by Washington Federal. A 1958 Channel Change Easement granted NMID a forty-foot easement to operate, maintain, and repair

the lateral and required a bank and berm on the south side but none on the north side. Washington Federal constructed a sidewalk on the north side of the lateral and proposed a fence after Ada County Highway District required those improvements for subdivision approval. NMID claimed the improvements would prevent or materially hinder maintenance and repair, but presented no records or testimony showing prior maintenance or repairs at that location requiring heavy equipment.

PROCEDURAL HISTORY

The district court determined that NMID held a contractual easement under the Channel Change Easement and that Washington Federal could use the servient estate in ways that did not unreasonably interfere with NMID's easement rights. After finding that NMID had not shown unreasonable interference, the court denied the injunction and entered judgment for Washington Federal. The court awarded Washington Federal ordinary costs but denied attorney fees and discretionary costs; the Idaho Supreme Court affirmed and awarded respondent appellate costs but not attorney fees.

DISPOSITION

affirmed

CASES CITED

- Conley v. Whittlesey, 133 Idaho 265, 269, 985 P.2d 1127, 1131 (1999)
- Alumet v. Bear Lake Grazing Co., 119 Idaho 946, 812 P.2d 253 (1991)
- Lindgren v. Martin, 130 Idaho 854, 857, 949 P.2d 1061, 1064 (1997)
- Sun Valley Shamrock Resources, Inc. v. Travelers Leasing Corp., 118 Idaho 116, 118, 794 P.2d 1389, 1391 (1990)
- Marshall v. Blair, 130 Idaho 675, 679, 946 P.2d 975, 979 (1997)
- Deer Creek, Inc. v. Hibbard, 94 Idaho 533, 535, 493 P.2d 392, 394 (1972)
- Hunter v. Shields, 131 Idaho 148, 953 P.2d 588 (1998)
- Carson v. Elliott, 111 Idaho 889, 890, 728 P.2d 778, 779 (Ct. App. 1986)
- Boydstun Beach Ass'n v. Allen, 111 Idaho 370, 377, 723 P.2d 914, 921 (Ct. App. 1986)
- Morris v. Thomson, 130 Idaho 138, 144, 937 P.2d 1212, 1218 (1997)
- Sun Valley Shopping Center, Inc. v. Idaho Power Co., 119 Idaho 87, 94, 803 P.2d 993, 1000 (1991)
- Kunz v. Utah Power & Light Co., 117 Idaho 901, 904, 792 P.2d 926, 929 (1990)
- Owner-Operator Independent Drivers Ass'n v. Idaho Public Utilities Commission, 125 Idaho 401, 408, 871 P.2d 818, 825 (1994)
- Turner v. Willis, 119 Idaho 1023, 812 P.2d 737 (1991)
- Anderson v. Ethington, 103 Idaho 658, 651 P.2d 923 (1982)