

**BOISE, WEDNESDAY, JANUARY 14, 2026 AT 8:45 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>SPIRIT LAKE CABINS, LLC,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 52190</b>
	)	
<b>GERALD NEESER, trustee of the Gerald E.</b>	)	
<b>Neeser Revocable Living Trust,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>INLAND EMPIRE PAPER COMPANY, a</b>	)	
<b>Washington corporation,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Barry McHugh, District Judge.

Randall | Danskin, Spokane, Washington, for Appellant Spirit Lake Cabins, LLC.

James, Vernon & Weeks, P.A., Coeur d'Alene, for Respondents.

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This appeal concerns the district court's finding that Spirit Lake Cabins, LLC ("Spirit"), does not have a prescriptive easement over a road on Inland Empire Paper Company's ("IEP") property. Gerald Neeser purchased three subdivision lots on the south shore of Spirit Lake in 1999. The only land access to those lots is via a road on property owned by IEP known as the "M-1 Road." Neeser, his family, guests, and various tradesmen, have used that road at different times since the date of purchase.

The legal dispute began in 2018 when Gerald Neeser, as trustee of the Gerald E. Neeser Revocable Living Trust, filed a complaint against IEP alleging the trust had an easement by prescription over the M-1 Road. The district court granted Neeser's motion for summary judgment for Lots 3 and 4 and concluded he had proved the elements required for a prescriptive easement. IEP appealed that ruling to this Court, which vacated the district court's decision and remanded the matter for further proceedings. Later, pursuant to Idaho Rule of Civil Procedure 17(a)(3), the district court granted Neeser's motion to join Spirit as a real party in interest.

The district court held a trial on Spirit's prescriptive easement claim for the lots in April 2024 and determined that Spirit did not have a prescriptive easement over the M-1 Road. On appeal, Spirit argues that the district court erred by: concluding IEP's property was wild, unimproved, or unenclosed; applying a presumption of permissive use until 2016; and concluding Spirit did not rebut the presumption of permissive use. It also argues that the district court erred by concluding: Spirit was not entitled to a presumption of adverse use; Spirit's use of the M-1 Road did not interfere with IEP's claim or use of the road; and there was no evidence that IEP had actual or implied knowledge of Spirit's alleged use of the M-1 Road greater than the public until 2016.