

SUMMARY STATEMENT

Big Wood Ranch, LLC v. Water Users' Association of the Broadford Slough and Rockwell Bypass Lateral Ditches, Inc. – Docket No. 41265

In a case arising out of Blaine County, the Idaho Supreme Court reversed the district court's judgment entered in favor of defendant Water Users' Association of the Broadford Slough and Rockwell Bypass Lateral Ditches, Inc. (Association). The Association brought suit to collect assessments from Big Wood Ranch, LLC (BWR) for maintenance performed by the Association on the Broadford Slough (Slough) and Rockwell Bypass (Bypass). The Slough and Bypass are conduits for the delivery of surface water to property owned by BWR and some of its neighbors. The origin of the surface water at issue is the Big Wood River near Bellevue, Idaho. The Association alleged a statutory right to collect past and on-going assessments for its maintenance of this water delivery system, a contention BWR disputed. On summary judgment, the district court determined that the Association was validly formed as a water users' association pursuant to Idaho Code section 42-1301, and, after a bench trial, found BWR owed payment for these outstanding assessments. BWR appealed, challenging the validity of the Association's formation under the statute, as well as the district court's alternative contract and equity-based theories for granting judgment to the Association. The Supreme Court reversed the district court's determination that the Association is qualified to operate under Idaho Code section 42-1301, as well as the award of attorney fees and costs under Idaho Code section 42-1307. The Court also reversed the district court's alternative common law bases for recovery because these theories were never formally pled by the Association.