

## **SUMMARY STATEMENT**

### *H.F.L.P., LLC v. City of Twin Falls*

The Idaho Supreme Court affirmed the Twin Falls County district court's decisions regarding the existence of an easement over property the City of Twin Falls ("the City") owns in the Snake River Canyon. At trial, H.F.L.P., LLC, ("H.F.L.P.") claimed it had a prescriptive easement and an easement by necessity over the property, but the district court ultimately entered judgment in favor of the City. H.F.L.P. argued on appeal that the district court: (1) did not have subject matter jurisdiction over the case; (2) erred when it held that H.F.L.P. failed to prove a prescriptive easement and an easement by necessity; and (3) erred when it admitted photographic overlays over H.F.L.P.'s objections at trial.

The Idaho Supreme Court held that (1) the district court properly exercised subject matter jurisdiction over the easement claims; (2) substantial and competent evidence supported the district court's findings that H.F.L.P. failed to prove by clear and convincing evidence both its easement by prescription claim and its easement by necessity claim; and (3) H.F.L.P. waived its challenge to the admission of the overlays into evidence because it did not argue on appeal that their admission affected a substantial right. The Court awarded costs to the City.