

SUMMARY STATEMENT

Daryl and Linda Mullinix v. Killgore's Salmon River Fruit Co. – Docket No. 41583

In a case arising out of Idaho County, the Idaho Supreme Court vacated in part, affirmed in part, and remanded for further proceedings. Respondent Daryl and Linda Mullinix (Mullinix) filed a complaint against Appellant Killgore's Salmon River Fruit Co.'s (Killgore) seeking to use Killgore's pipeline to obtain water from Joe Creek, among other claims. Killgore counterclaimed. Ultimately, the district court ordered that Mullinix could install a tap or valve on Killgore's pipeline as it crossed Mullinix's property to receive water from Joe Creek. Killgore appealed to the Idaho Supreme Court. The Idaho Supreme Court vacated the district court's order that Mullinix pay an annual water delivery fee to Killgore. In all other respects, the Idaho Supreme Court affirmed the district court's second amended final judgment, which allowed Mullinix to access Killgore's pipeline without a separate point of diversion.