

SUMMARY STATEMENT

Capstar v. Lawrence

The Idaho Supreme Court affirmed the Kootenai County district court's decision regarding the existence of an easement over property owned by Douglas and Brenda Lawrence. At trial, Capstar Radio Operating Company (Capstar) claimed it had an implied easement by prior use and a prescriptive easement over a portion of road that passed through the Lawrences' property, and the district court agreed. On appeal, the Lawrences argued that the evidence did not support the district court's determinations regarding the easement claims, and alternatively, that the district court erred in ruling that the scope of the easement was for unlimited reasonable use and in enjoining the Lawrences from interfering with Capstar's use or maintenance of the subject road.

The Idaho Supreme Court held that the district court correctly granted an implied easement by prior use to Capstar because there was substantial and competent evidence to support the district court's conclusion that at the time of severance, the parties intended to create an easement over the disputed road, and that the easement was reasonably necessary to the proper enjoyment of the Capstar parcel. Because the Idaho Supreme Court affirmed the grant of the implied easement by prior use, it did not address the issue of the prescriptive easement. As to the remaining issues, the Idaho Supreme Court held that the district court properly determined that the scope of the implied easement was for unlimited reasonable use and that the Lawrences waived the issue of whether the district court erred in enjoining the Lawrences from interfering with Capstar's use or maintenance of the subject road because the Lawrences did not present argument and authority on the issue. The Court awarded costs to Capstar.