

SUMMARY STATEMENT

Morgan v. New Sweden, Docket No. 42575

In a case arising out of Bonneville County, the Idaho Supreme Court affirmed a district court judgment determining where to measure the sixteen-foot width of an easement held by New Sweden Irrigation District (“New Sweden”) relative to an irrigation canal running the length of property owned by M. Brent Morgan (“Morgan”). Morgan argued on appeal that: (1) the district court erred by denying Morgan’s request for a jury trial; (2) the district court abused its discretion by refusing to admit new evidence at trial; (3) the district court erred by failing to incorporate the holdings of a previous judgment identifying the boundaries of the easement, the access points to the easement, the encroachments on the easement, and the party responsible for removing those encroachments; and (4) the district court erred by failing to limit the removal of encroachments and the uses of the easement to that which is reasonable.

The Idaho Supreme Court held that: (1) Morgan did not have any right to a jury trial on remand because his claims sounded in equity and not in law; (2) the evidence that the district court refused to admit had dubious probative value and, accordingly, the district court had not abused its discretion; (3) because the previous judgment has been affirmed by this Court, and because this Court had explicitly identified a single issue on remand (the location of the width measurement of the easement), the district court did not err in limiting the scope of its judgment on remand; and (4) the removal of encroachments and uses of the easement were not issues on remand and the district court did not err by failing to address them. Costs and attorney’s fees on appeal were awarded to New Sweden.