

SUMMARY STATEMENT

Spectra Site Communications, Inc. v. Douglas Lawrence, Docket No. 43082

In a case arising out of Kootenai County, the Idaho Supreme Court affirmed the decision of the district court granting a permanent injunction based upon an easement implied by prior use. Douglas and Brenda Lawrence (“the Lawrences”) argued on appeal that: (1) Spectra Site Communications, Inc. (“Spectra”) did not have the standing required to establish the existence of an easement and therefore the district court erred by establishing an easement in this case; (2) the Halls do not have an easement implied by prior use because two of the three material elements were not proven; and (3) the scope of the Halls’ easement should be limited for egress and ingress for purposes of maintaining radio towers.

The Idaho Supreme Court held that: (1) although Spectra may not have had standing to establish an easement, the district court did not err in finding that Spectra did have standing to seek injunctive relief in order to prevent the Lawrences from interfering with its right to use Blossom Mountain Road; (2) the district court did not err in granting Spectra a permanent injunction based upon the Halls’ easement implied by prior use because all of the required elements were proven; and (3) the district court did not err in determining that the scope of the implied easement by prior use is for unlimited reasonable use. Costs on appeal were awarded to Spectra. Neither party requested attorney’s fees; accordingly, no attorney’s fees were awarded.