

## **SUMMARY STATEMENT**

*Paslay v. A&B Irrigation District*, Docket No. 44446

The Idaho Supreme Court affirmed a Jerome County district court's dismissal of two counts of a complaint by landowners against the A&B Irrigation District for diverting water as part of an approved project. The Court vacated the dismissal of the third count and remanded it to the district court for consideration under the appropriate legal standard.

Daniel Paslay, Gary Ottman, and Tateoka Brothers, LLC are part of the A&B Irrigation District. They rely on surface water to irrigate their farms, while other users rely on ground water. A&B manages both surface and ground water users in its district. The plaintiffs sued A&B Irrigation District to clarify their constitutional right to prevent a project that diverts surface water to ground water users while assessing the project costs equally across all users based on acreage. The case came before the Supreme Court following the district court's dismissal of the plaintiffs' claims.

The Supreme Court affirmed dismissal on two of plaintiffs' three claims, determining that the plaintiffs had failed to allege a distinct injury, either current or threatened, based on A&B's water management practices revolving around a project approved by the voters in the irrigation district. The Supreme Court reasoned that the plaintiffs' allegations were too hypothetical to adjudicate. However, the Court determined that the district court's dismissal of the third count—in which the court relied on information outside the plaintiffs' complaint—needed to be addressed under the summary judgment standard rather than as a motion to dismiss, and thus vacated and remanded for consideration under that standard.