

SUMMARY STATEMENT

Barnes v. Jackson, Docket No. 44894

In a case arising out of Bannock County, Appellants, Chad and Jane Barnes (the “Barnes”), appealed a district court’s judgment dismissing their claim for the forfeiture of Respondent’s, Kirk Jackson (“Jackson”), water right. Craig Bloxham (“Bloxham”) was the sole owner of a water right (the “Parent Right”), which was issued to him in the Snake River Basin Adjudication (“SRBA”) in 2004. Between 2004 and 2012, Bloxham used the Parent Right to irrigate some, but not all, of the property associated with the Parent Right. In 2012, Bloxham sold the property that he did not irrigate to Jackson. At Jackson’s request, the Idaho Department of Water Resources (“IDWR”) split the Parent Right into two water rights, one retained by Bloxham for his remaining property, and the other to Jackson (“Jackson’s Right”). In 2014, the Barnes purchased the remaining portion of Bloxham’s land and obtained the water right appurtenant thereto (the “Barnes’ Right”). In 2014, Barnes filed suit against Jackson seeking a declaration of forfeiture as to Jackson’s Right. Barnes alleged that Jackson’s Right was unused for the five-year statutory period and was therefore forfeited. The district court granted summary judgment in favor of Jackson.

In a unanimous decision, the Idaho Supreme Court affirmed the holding of the district court. Specifically, the Court held that because Barnes failed to present facts that would support a finding that Bloxham did not use all of the water that was available to the Parent Right and filed the Complaint before the five-year period of nonuse had run, the district court did not err when it ruled that Jackson’s Right was not forfeited.