

SUMMARY STATEMENT

Frost v. Gilbert

Docket No. 48156

This appeal is brought by Sharon Bruno from a district court's decision regarding an easement for access to irrigation equipment. (The suit was originally brought by Bruno and her father, Howard Frost. However, Frost died before the appeal could be brought.) Bruno and Frost filed a quiet title and declaratory relief action against two other property owners, seeking to have confirmed an express easement for irrigation hand lines that had been granted in 2011. The hand lines were installed in the 1980s, originating at a pump near the Payette River and crossing adjacent property owned by Dana and Elisa Gilbert (the Gilberts) before reaching Bruno's property. Bruno also contended entitlement to a prescriptive easement over her neighbors' properties because the pump had historically been accessed by her father and herself over a driveway on the Gilberts' property and a switchback on adjacent property owned by Alfred Alford.

The Idaho Supreme Court first held that the 2011 easement unambiguously prohibited Bruno from using the Gilberts' driveway to access her irrigation pump. The Court next held that Bruno had not established a prescriptive easement over the Gilberts' driveway. The Court also held that Bruno had not established a prescriptive easement over the switchback on Alford's property. Finally, the Court awarded attorney fees to the Gilberts and Alford because Bruno's counsel had frivolously appealed a civil trespass claim.

******This summary constitutes no part of the Court's opinion. It has been prepared by court staff for the convenience of the public.******