

SUMMARY STATEMENT

Hood v. Poorman

Docket No. 48636-2020

The Idaho Supreme Court affirmed in part and reversed in part the district court's decision defining the scope of the Plaintiffs' ditch easement, enjoining the Plaintiffs from certain activities within the ditch right-of-way, and ordering the Plaintiffs to pay damages to the Defendants.

This case involved an irrigation ditch that provided water to property owned by Karen and Keith Hood. From the point of diversion, the ditch carried water approximately four miles to the Hoods' property. In that four miles, the ditch crossed property owned by Gayle and Paul Poorman and also property owned by Rusty Anderson. Between 2014-2017, there were multiple conflicts between the Hoods, the Poormans and Anderson related to the use and maintenance of the ditch.

The Hoods eventually filed suit against the Poormans and Anderson, and sought to enjoin the Poormans and Anderson from interfering with their maintenance of the ditch, to declare the Hoods' rights with respect to the right-of-way, and to award them monetary relief for damage they claimed had been done to the right-of-way. The Poormans and Anderson filed counterclaims against the Hoods. Anderson claimed the Hoods had interfered with his property rights and also sought declaratory and injunctive relief. The Poormans alleged claims for civil trespass, declaratory relief, injunctive relief, statutory liability under Idaho Code sections 42-1102 and 42-1204; and negligent, willful or intentional interference with property rights.

The district court determined that the Hoods had an easement for the irrigation ditch and associated easement rights granted by Idaho Code section 42-1102. Following a bench trial on the remaining issues, the district court determined the Hoods had unreasonably exercised their statutory easement rights and entered an order limiting the route they traveled on the Poorman property to access the ditch and imposing other limitations on the frequency and timing of their accessing the ditch, as well as requiring them to give notice prior to accessing the ditch. The district court further determined that the Hoods had wrongfully removed the culverts and awarded the Poormans monetary damages for the cost to reinstall the culverts, for a wrongfully removed apple tree, and for damage the Hoods did to the Poorman property while performing maintenance on the ditch. The Hoods appealed.

The Idaho Supreme Court affirmed in part and reversed in part the district court's order, vacated its amended judgment and remanded the case for further proceedings. The Court explained that while Idaho Code section 42-1102 grants users of irrigation ditches certain rights, the statute also limits the users to the reasonable exercise of those rights. The Court concluded that the district court's findings that the Hoods' acted unreasonably in the exercise of their statutory easement rights were supported by substantial and competent evidence. The Court also explained, however, that before the district court could impose relief limiting the Hoods' exercise of certain statutory rights it first had to apply the permanent injunction standard and determine that threatened or actual irreparable injury would result if the Hoods' were not limited in the exercise of their statutory rights. The Court therefore vacated that portion of the district court's judgment limiting the Hoods to specified routes of access so the Court could apply the permanent injunction standard.

The Court also determined that the district court erred when it: (1) enjoined the Hoods from conducting emergency ditch maintenance unless notified by the Poormans, Anderson or a government agency; (2) enjoined the Hoods from conducting ditch maintenance other than one

week in March and one week in September; and (3) required the Hoods to provide 72 hours' notice and obtain an agreement in writing prior to conducting non-emergency maintenance in excess of that allowed in other parts of the district court's order. The Court remanded the latter two issues for further proceedings.

The Court affirmed the district court's conclusion that the Hoods improperly removed the north and south culverts and affirmed the district court's award of damages to the Poormans for the costs of reinstalling the culverts. The Court reversed the award of damages to the Poormans for the Hoods' removal of an apple tree within the ditch right-of-way because the district court failed to analyze whether the Poormans had carried their burden of proof on that claim.

The Court also concluded that the form of the district court's judgment was in error because the judgment indicated that the injunctive relief awarded against the Hoods would run with the land. The Court explained that injunctive relief is based on the conduct of the parties and therefore only applies to those parties. The Court advised that on remand, the district court should enter two separate judgments, one defining the ditch easement and another describing the injunctive and monetary relief awarded. The one defining the ditch easement should run with the land, and the other should not.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.