

SUMMARY STATEMENT

Latvala v. Green Enterprises, Docket No. 49173

The Idaho Supreme Court affirmed a district court judgment concerning the scope of a prescriptive easement. In 2019, the district court granted Respondents Matthew V. and Bonnie A. Latvalas' claim for a prescriptive easement over a road known as "South Camp Bay Road" to reach their property located on the shores of Lake Pend Oreille. Because the prescriptive easement was created by the operations of an active mine, the district court determined that the scope of the easement included the ability to transport labor and materials to build a home on the Latvalas' property. In *Latvala v. Green Enterprises, Inc.*, 168 Idaho 686, 485 P.3d 1129 (2021) (*Latvala I*), this Court affirmed the district court's determination that the Latvalas had a prescriptive easement over South Camp Bay Road. However, the Court vacated the district court's judgment after concluding it had impermissibly expanded the scope of that easement.

On remand, the parties disputed whether this Court's decision prohibited the Latvalas' proposed residential use of South Camp Bay Road, or only the construction of a residence on the Latvalas' property. The district court entered an amended judgment that prohibited the Latvalas from using South Camp Bay Road to construct a residence on their property, but did not restrict the Latvalas from using the road for residential purposes. Appellants Green Enterprises, Inc., James K. Frank and Julie B. Frank, and Larimore J. Cummins and Kathryn Cummins (neighboring landowners) timely appealed. The Idaho Supreme Court affirmed the district court's amended judgment after concluding it was consistent with the Court's decision in *Latvala I*. The Court made it clear that although the Latvalas may not use South Camp Bay Road to build a residence, they may drive along Camp Bay Road to access a residence.

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