

IN THE SUPREME COURT OF THE STATE OF IDAHO

DANIEL PASLAY, an individual; GARY	)	
OTTOMAN, an individual; and TATEOKA	)	
BROTHERS, LLC, an Idaho limited liability	)	
company,	)	
	)	
Plaintiffs-Appellants,	)	
	)	
v.	)	Docket No. 44446
	)	
A&B IRRIGATION DISTRICT, an Idaho	)	
irrigation district,	)	
	)	
Defendant-Respondent.	)	
_____	)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Holden, Kidwell, Hahn & Crapo, PLLC, Idaho Falls, for appellants.

Barker, Rosholt & Simpson, LLP, Twin Falls, for respondent.

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This case raises the issue of whether landowners have recourse against their irrigation district for diverting a portion of their water source to other landowners within the district. 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 district court dismissed the plaintiffs' claims, finding that they could not demonstrate an injury since they were currently receiving their allotted water. This case addresses whether the plaintiffs' claims should have been dismissed without allowing them to gather additional evidence through discovery.