

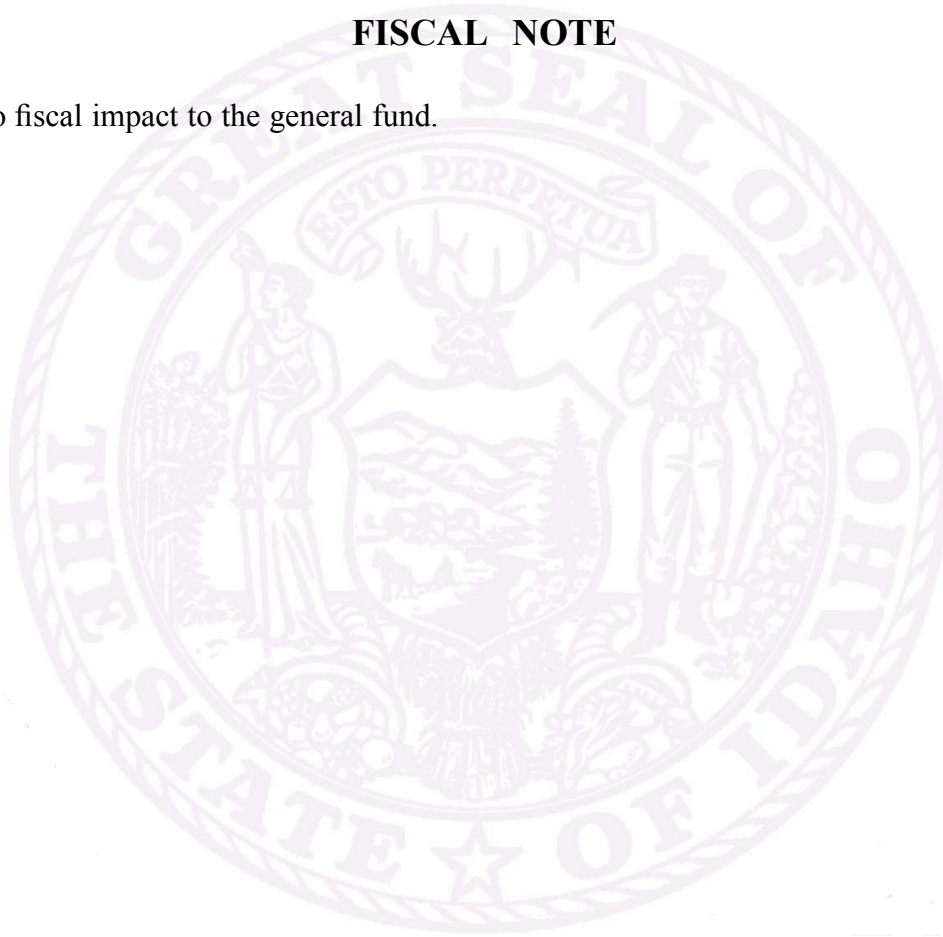
## STATEMENT OF PURPOSE

### RS21341

This legislation is designed to address the Idaho Supreme Court's holding in *Halvorson v. North Latah County Highway District*, 151 Idaho 196 (2011), which held that prescriptive rights-of-way across private land are no less than 50 feet in width unless an owner can prove they were established prior to enactment of Idaho Code, Section 40-2312. Historically the law has been that prescriptive easements are limited to the width actually used and there is no proper basis to allow governments to take 50 feet across property when they have not paid any just compensation for that taking and have not actually used the ground for a roadway.

### FISCAL NOTE

There is no fiscal impact to the general fund.



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