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Gaudreau v. Clinton Irrigation Dist., 30 P.3d 1070 (Mont. 2001)

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remanded to the district court for further proceedings.

Christine Ellison

Gaudreau v. Clinton Irrigation Dist., 30 P.3d 1070 (Mont. 2001)

(affirming the district court's holding that: (1) the Clinton Irrigation District ("CID") had no duty to prevent flood waters caused by ice jams on the Clark Fork River from overflowing their irrigation system and damaging Gaudreau's property; (2) CID exercised reasonable care in the maintenance of its system; and (3) CID had no duty to warn Gaudreau of flooding conditions so that they could protect their property).

Appellants, Jeanne Gaudreau ("Gaudreau") and Jerry Montelius ("Montelius") operate a horse riding and boarding facility near Clinton, Montana near the Clark Fork River. Upstream from the Gaudreau facility, the Clinton Irrigation District ("CID") owns and operates an irrigation ditch. A headgate on the CID system diverts water from the Clark Fork River into a canal. Once waters enter the canal, they are directed through a series of culverts under an interstate highway and into a channel that runs adjacent to the Gaudreau facility. On the evening of February 7, 1996, an ice jam formed on the Clark Fork River downstream from the headgate, causing river water to back up and flood the channel upstream from the Gaudreau facility. Another ice jam formed on the channel, which caused overland flooding of the area adjacent to the channel, including the Gaudreau facility. After the flooding receded, significant damage was revealed to real and personal property at the Gaudreau facility.

Gaudreau and Montelius sued CID in the District Court, Fourth Judicial District, Missoula County, for negligence, trespass, and nuisance. At trial, Gaudreau and Montelius abandoned the trespass and nuisance claims and proceeded on the negligence claims. The district court ruled in favor of CID. Gaudreau and Montelius appealed to the Supreme Court of Montana asserting that the district court erred in: (1) determining that CID had no duty to prevent flood waters caused by ice jams on the Clark Fork River from overflowing the CID system and damaging their property; (2) determining that CID exercised reasonable care in the maintenance of its system; and (3) concluding that CID had no duty to warn them of the flooding conditions so that they could protect their property.

First, the supreme court noted that Gaudreau and Montelius' reliance on a Montana statute governing the liability of water user associations for damages stemming from improper maintenance was misplaced because: (1) the statute did not apply to irrigation districts, like CID; (2) it did not impose liability, but disclaimed liability by the state; and (3) only applied to damages "occurring on the works," and not property damages such as those Gaudreau and Montelius alleged. As such, the statute did not support the existence of a duty by CID to prevent flooding due to ice jams.

Second, the Supreme Court noted that the primary factor in determining whether an irrigation district owes a duty to a damaged plaintiff is whether it was foreseeable that a district's acts or omissions would pose a risk of injury to the plaintiff. According to the court, testimony at trial clearly demonstrated that overland flooding from the Clark Fork River generally and due to ice jams was uncommon. As such, the risk of damage to the Gaudreau facility from overland flooding from the Clark Fork River was not foreseeable. Therefore, the Supreme Court held that CID had no duty to erect or maintain flood control measures on their system to protect the Gaudreau facility.

Third, the Supreme Court agreed with the findings of the district court that no evidence existed to suggest that CID failed to exercise reasonable care in the maintenance of their system. According to the Supreme Court, Gaudreau and Montelius were relying in their appeal of this issue on evidence that was clearly controverted at trial. As such, the Supreme Court held that CID exercised reasonable care in the maintenance of its system.

Fourth, the Supreme Court noted that the precedent on which Gaudreau and Montelius were relying to impose a duty to warn on CID required CID to have foreknowledge of the hazard or to have created the hazard. According to the Supreme Court, overland flooding due to ice jams was already established as unforeseeable and was created by a mix of circumstances out of the control of CID. As such, CID did not have a duty to warn Gaudreau and Montelius of the overland flooding due to the ice jams.

Matthew J. Costinett

In re Deadman's Basin Water Users Ass'n, 40 P.3d 387 (Mont. 2002)
(holding that the district court erred as a matter of law when it prohibited irrigation from Deadman's Basin Reservoir in a manner contrary to the water purchase contract).

In 2000, Wiley Micks contracted with Deadman's Basin Water Users Association to purchase the right to 775 acre-feet of water from the Deadman's Basin Reservoir ("Reservoir"). Micks depended on the water to irrigate his hay crop. The hay crop was important to sustaining the animals at the genetic materials facility he operated. The water purchase contract provided for a pro rata reduction in water distribution in the event an inadequate amount of water existed to satisfy the outstanding water purchase contracts.

On its own motion, the Fourteenth Judicial District Court, Musselshell County, found that the water level in Deadman's Basin Reservoir had reached "a critically low level." The district court decided that the reservoir water should be used to maintain the Musselshell River flow, which supplied domestic, municipal, stock and wildlife water usage. On August 2, 2000, the district court issued an