

**BOISE, FRIDAY, MAY 15, 2026, AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**THE STATE OF IDAHO, IDAHO )  
TRANSPORTATION BOARD, )  
 )  
Plaintiff-Respondent, )  
 )  
v. )  
 )  
**TRIPLE CROWN DEVELOPMENT, LLC, )  
an Idaho limited liability company, )  
 )  
Defendant-Appellant, )  
 )  
and )  
 )  
**THUESON CONSTRUCTION, INC., )  
AMERICRETE READY MIX CONCRETE, )  
INC., dba G&B REDI-MEX; AMERICRETE )  
LAND HOLDING LLC, an Idaho limited )  
liability company; and RIVER ROCK SAND )  
& GRAVEL LLC, an Idaho limited liability )  
company, )  
 )  
Defendants Intervenors-Appellants. )  
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**Docket No. 52872**

Appeal from the District Court of the Third Judicial District of the State of Idaho, Canyon County. Gene A. Petty, District Judge.

Davison, Copple, Copple & Copple, Boise, and Kronberg Law, PLLC, Boise, for Appellants.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

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This case concerns business damages for condemned property under Idaho Code section 7-711(2). The State of Idaho, Idaho Transportation Board (“the State”) planned to construct a highway interchange through property owned by Triple Crown Development, LLC. The State issued an order of condemnation and filed a complaint initiating condemnation proceedings against Triple Crown to determine the amount of damages the State must pay for the condemned property.

The State and Triple Crown stipulated to the value of the property subject to the condemnation claim and to the following parties intervening in the matter: Thueson Construction, Inc. (“TCI”); Americrete Ready Mix Concrete, Inc., dba G&B Redi-Mix (“G&B”); Americrete Land Holding LLC (“Americrete”); and River Rock Sand & Gravel LLC (“River Rock”). Triple Crown and the intervening entities are owned by Lance Thueson.

Americrete owns land adjacent to the south of Triple Crown’s property. G&B, River Rock, and TCI all conduct business on the Americrete property. G&B is a concrete supplier. River Rock excavates components such as aggregate. TCI engages in civil contract work, including preparing gravel for parking lots, curbs, gutters, sidewalks, collars, and manholes, and paving parking lots. It receives ready mix concrete from G&B and aggregate from River Rock. Thueson claims he purchased the Triple Crown property to mine gravel from the site.

In response to the State’s Complaint, Triple Crown and the intervening entities asserted a claim for business damages, asserting that the State’s taking of sand and gravel from the Triple Crown property would increase the expense of providing sand and gravel to the Americrete property for the Appellants to conduct their business. The State moved for summary judgment on the business damages claim, arguing that none of the Respondents qualify for business damages under Idaho Code section 7-711(2). The district court granted the motion and concluded that Triple Crown was not entitled to business damages because there was no evidence that Triple Crown owned any business operating on the condemned property or that it owned the adjoining property. It similarly found that the Intervenor were not entitled to business damages because Triple Crown did not own the property on which they were conducting business. The Appellants filed a motion for reconsideration, which the district court denied.

Triple Crown and the Intervenor appeal the district court’s summary judgment decision and argue that fee title ownership is not required to pursue a claim for business damages. They argue that the entities Thueson owns are engaged in a joint venture through their concrete business. As such, they argue they have a sufficient ownership interest to meet the requirements of section 7-711(2). They further argue that the Triple Crown property, Americrete property, and the intervening entities have an owner in common because Thueson owned all of the entities and was the beneficial owner of the properties.