### IDJI 9.09 - Crop damages

INSTRUCTION NO. \_\_\_\_\_

For damages, if any, to plaintiff’s crop you may award a sum equal to:

The difference between the reasonable value of the crop actually raised upon the land and the reasonable value of the crop which would have been raised upon it under normal conditions during the same year, less the cost of maturing, harvesting and marketing the additional portion of the crop.

Comment:

Merrill v. Penrod, 109 Idaho 46, 704 P2d 950 (1985), citing Casey v. Nampa & Meridian Irrigation District, 85 Idaho 299, 370 P2d 409 (1963). A review of subsequent cases, Davidson’s Air Service v. Montierth, 119 Idaho 967m 812 P2d 298 (1990) and Walker v. American Cyanamid, 130 Idaho 824, 948 P2d 1123 (1997) discloses that our Supreme Court continues to follow that exact same definition.