

SUMMARY STATEMENT

Flying "A" Ranch, Inc. v. County Commissioners of Fremont County, Docket No. 41584

In an appeal from Fremont County, the Idaho Supreme Court affirmed the district court's decision that the record of the Fremont County Board of Commissioners (Board) did not contain substantial and competent evidence to support the inclusion of a road as a public road on its official county highway map, under Idaho Code section 40-202. The Court held that although the inclusion of a road on an official county highway map under Idaho Code section 40-202 must originally be supported by "some basis," once the inclusion of the road is challenged a county must support the inclusion of the road with substantial and competent evidence. The Court issued instructions to the district court to remand the matter to the Board with instructions to properly consider the status of the road and issue a new county highway map consistent with the Court's opinion. Additionally, the Court awarded the parties challenging the Board's action attorney fees under Idaho Code section 12-117.