

## **SUMMARY STATEMENT**

*Nemeth v. Shoshone County*

Docket No. 46118

The Supreme Court reversed and remanded the judgment of the district court. The Nemeths own real property and accompanying mining claims in Shoshone County, which are accessed by an old dirt road that crosses National Forest Service lands. After Shoshone County failed to act on the Nemeths' petition to validate a public right-of-way across federal land pursuant to Idaho Code section 40-204A and United States Revised Statute 2477 ("R.S. 2477"), the Nemeths brought a declaratory action seeking validation under Idaho Code section 40-208(7). The district court dismissed the complaint for lack of subject matter jurisdiction. The Supreme Court reversed and remanded, holding that the Quiet Title Act does not conflict with or supersede the provisions of R.S. 2477 and Idaho laws that allow for county validation of an R.S. 2477 right-of-way on federal land. The Court also held that Idaho Code section 40-208(7) permits a district court to validate an R.S. 2477 right-of-way through a declaratory judgment action.