

## **SUMMARY STATEMENT**

*Richel Family Trust v. Worley Highway Dist.*

Docket No. 46172

In an appeal arising from Kootenai County, the Idaho Supreme Court affirmed the district court's order in which it affirmed the validation order issued by the Worley Highway District Board of Commissioners (the Highway District). The order validated Road No. 20 (also known as Sunny Slopes Road) across the Northwest and Northeast Quarters of Section 34, Township 47 North, Range 4 West, Boise Meridian, Kootenai County, Idaho. The purported road crosses properties owned by the Richel Family Trust (the Trust) and property owned by Jeanne Buell. The Trust did not contest the validation of the road in the Northwest Quarter of Section 34. However, the Trust requested judicial review of the validation of a portion of the road in the *Northeast* Quarter of Section 34. The district court affirmed the Highway District's validation order.

The Idaho Supreme Court held that while not all of the Highway District's factual findings were supported by substantial and competent evidence, there were sufficient findings that were supported by substantial and competent evidence to affirm the district court's decision. Further, the Court held that Idaho Code section 40-203A created a mechanism that allows the highway district to consider all information, including extrinsic evidence, to determine the establishment of a public right-of-way when its establishment is in doubt. Finally, the Court held that the Trust cannot establish an actual taking pursuant to the Takings Clause.