

**BOISE, FRIDAY AUGUST 21, 2020 AT 8:50 A.M.**

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

**GLORIA PALMER, TRUSTEE OF THE** )  
**PALMER FAMILY TRUST** )  
**dated March 26, 2004,** )  
 )  
**Petitioner-Appellant,** )  
**v.** )  
 )  
**EAST SIDE HIGHWAY DISTRICT, a** )  
**political subdivision of the State of Idaho;** )  
**RANDE ALVIN WARNER and DEBRA** )  
**JANE WARNER, husband and wife;** )  
**STEFFEN A. TEICHMANN and ALLYSON** )  
**Y. TEICHMANN, husband and wife,** )  
 )  
**Respondents-Respondents on Appeal,** )  
 )  
**and** )  
 )  
**DOES 1-10,** )  
 )  
**Respondents.** )

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**Docket No. 47548**

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Rich Christensen, District Judge.

Macomber Law, PLLC, Coeur d'Alene, for Appellant Gloria Palmer.

James Vernon & Weeks, P.A., Coeur d'Alene, for Respondent East Side Highway District.

Fidelity National Law Group, Seattle, WA, for Respondents Rande & Debra Warner.

Ramsden, Marfice, Ealy & DeSmet LLP, Coeur d'Alene, for Respondents Steffen & Allyson Teichmann.

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This is an appeal from judicial review of a decision by the East Side Highway District Board of Commissioners (the Highway District). In 1908, the Kootenai County Board of County Commissioners (BOCC) adopted a Viewers Report and Survey for a public right-of-way (the Road) that would cross several lots situated near or on Rose Lake in Kootenai County. The

Viewers Report and Survey had been ordered by the BOCC after several affected property owners petitioned for the right-of-way to be created. However, in 1910, minutes from a BOCC meeting show that work on the Road was abandoned. Thereafter, it is disputed whether the Road was ever built. In 2016, members of the Palmer family, now-owners of one lot over which the right-of-way would have crossed, sought to have the Viewers Report recorded and the Road opened. The Warners and the Teichmanns, the owners of other affected properties, opposed this effort by the Palmer family, and the Highway District initiated validation proceedings to determine the existence of the Road and whether it was in the public interest to validate it. After rehearing, the Highway District ultimately decided not to validate the Road.

The Palmer Family Trust (the Trust) petitioned the district court for judicial review. The district court affirmed the Highway District's decision. The Trust now appeals to the Idaho Supreme Court, arguing primarily that the Highway District should have initiated abandonment and vacation proceedings for the Road instead of validation proceedings, and that the Highway District's public-interest finding was an abuse of discretion and unsupported by substantial and competent evidence.