

MOSCOW, IDAHO, APRIL 9, 2025, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ROBERT JUTILA, an individual; PAUL)	
LOUTZENHISER, an individual; and)	
NORTH IDAHO TRAIL BLAZERS)	Docket No. 51313-2023
INCORPORATED, an Idaho nonprofit)	
corporation,)	
)	
Petitioners-Appellants,)	
)	
v.)	
)	
COUNTY OF SHOSHONE and SHOSHONE)	
COUNTY BOARD OF COMMISSIONERS, a)	
political subdivision of the State of Idaho,)	
)	
Respondents-Respondents on Appeal.)	
)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Shoshone County. Susie Jensen, District Judge.

Sawtooth Law Offices, PLLC, Boise, for Appellants.

Shoshone County Prosecuting Attorney, Wallace; and Givens Pursley LLP, Boise, for Respondents.

This case arises from the decision by the Shoshone County Board of Commissioners to deny validation of a portion of West Fork Pine Creek Road (“the Road”). Paul Loutzenhiser requested that the Board validate the Road as a public road. After hearing public testimony and receiving evidence, the Board denied the request after concluding that the record presented did not provide evidence that the Road was a public highway or right of way created or accepted by Shoshone County and that validation was not in the public interest.

Loutzenhiser, joined by Robert Jutila and North Idaho Trail Blazers, Incorporated (collectively “Petitioners”), asked the Board to rehear the matter. The Board held another public hearing at which it accepted additional evidence. At the second public hearing, the Petitioners argued that meeting minutes from a 1909 Board meeting showed that the Board had ordered that the Road was accepted as a public road. The Board again declined to validate the Road. The Petitioners sought judicial review with the district court.

Before the district court, Petitioners argued that the 1909 meeting minutes established that the Road was validly declared a public road, that the Road was established by public use and maintenance at public expense, and that validating the Road was in the public interest. Additionally, the Petitioners argued that the Board's decision denying validation was not supported by substantial and competent evidence in the record because it was nearly impossible to determine what evidence the Board relied on in making its decision.

The district court concluded that the Board's decision was not erroneous. The district court concluded that the Board's findings that the 1909 meeting minutes were not sufficient to create a public road and that regular maintenance had not occurred on the disputed section of the Road were supported by substantial and competent evidence. The district court affirmed the Board's conclusion that validating the Road was not in the public interest and concluded that the Board was not required to expand on its rationale underlying its decision to not validate the Road.

Petitioners appeal the district court's decision and argue that the district court erred in (1) treating issues of law as issues of fact; (2) concluding that the meeting minutes were insufficient to create a public road; (3) concluding that a lack of maintenance on a segment of a road prevents the road from being declared a public road; and (4) concluding that the Board's decision that validating the road was not in the public interest was supported by substantial and competent evidence in the record.