

BOISE, FRIDAY, FEBRUARY 14, 2025, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

SUNNYSIDE PARK UTILITIES,)	
INC., an Idaho Corporation)	
)	
Plaintiff-Respondent-)	
Cross-Appellant,)	51049-2023
)	
v.)	
)	
DONALD SORRELLS,)	
)	
Defendant-Appellant)	
Cross-Respondent.)	
_____)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County. Bruce L. Pickett, District Judge.

Olsen Taggart, PLLC, Idaho Falls, for Appellant, Donald Sorrells.

Fuller & Beck, Idaho Falls, for Respondent, Sunnyside Park Utilities, Inc.

This appeal concerns how water is consumed and discharged on commercial property. Donald Sorrells appeals from the district court’s judgment declaring him to be a persistent violator of Sunnyside Park Utilities’ (SPU) Sewer Rules and Regulations. Sorrells first argues that SPU’s declaratory judgment action should have been dismissed because SPU’s petition only alleged past violations of its Rules and Regulations and, thus, presented no existing justiciable controversy for which a declaratory judgment would provide actual relief. Sorrells also argues that SPU’s petition failed to state a claim upon which relief could be granted because the allegations in the petition did not show that he discharged any “waste” into the sewer system within the meaning of the Rules. Finally, Sorrells argues that there was insufficient evidence to support the district court’s finding that he is a persistent and continuing violator. SPU cross-appeals and argues that the district court erred by determining that the Idaho Public Utilities Commission retains original jurisdiction over SPU’s water system and by denying its requests attorney fees and costs.