

SUMMARY STATEMENT

Schweitzer Basin Water Company v. Schweitzer Fire District
Docket No. 44249

In an appeal from a decision of the Bonner County District Court, the Supreme Court affirmed the district court's decision to grant a writ of prohibition to Schweitzer Basin Water Company to prevent Schweitzer Fire District from taking proposed enforcement action against the Company. The district court entered the writ of prohibition against the District after concluding that it possessed no jurisdiction over the Company under Idaho Code section 41-259. The district court also awarded attorney fees to the Company under Idaho Code section 12-117 on the basis that the District pursued the action without a reasonable basis in fact or law.

The Supreme Court held that the District does not have jurisdiction over the Company under Idaho Code section 41-259. The Court also recognized that the administrative hearing process proposed by the District was not an alternative adequate remedy because the District lacked jurisdiction over the Company. Finally, the Court affirmed the district court's award of attorney fees. The Supreme Court awarded attorney fees on appeal to the Company under Idaho Code section 12-117.