

IN THE SUPREME COURT OF THE STATE OF IDAHO

SCHWEITZER BASIN WATER)	
COMPANY,)	
)	
Plaintiff-Respondent-Cross Appellant,)	
)	Docket No. 44249
v.)	
)	
SCHWEITZER FIRE DISTRICT,)	
)	
Defendant-Appellant-)	
Cross Respondent.)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

Marshall Law Office, Sandpoint, for appellant.

Stephen F. Smith, Attorney at Law, Chartered, Sandpoint, for respondent.

Schweitzer Fire District (the District) appeals from the decision of the district court granting a writ of prohibition on behalf of Schweitzer Basin Water Company (the Company) that prevents the District from taking proposed enforcement action against the Company for operation of its private water system. The District sought enforcement action against the Company for perceived flow-rate deficiencies of fire hydrants owned by third-party homeowners but installed on the Company's private water system. The primary question before the Supreme Court on review is whether the district court correctly interpreted the District's authority under Idaho Code section 41-259.