

## Water war rising to boiling point in Perkins

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PERKINS - The city and a rural water district are battling over who can sell water to developing areas.

During Rural Water District No. 3's annual meeting Tuesday, some Perkins' residents and water district members said they were not happy with the district's decision to file a lawsuit against the city of Perkins on Oct. 10.

The lawsuit states that "Perkins is and has been selling water within RWD 3's 'Territory' to potential customers" of the water district.



The area in question includes developed land north of Kirk Street and west of Sadler Road, a large part of Perkins Country Estates, Cimarron Trails Golf Course, Perkins-Tryon School District property, Cimarron Trails housing development and commercial land occupied by several businesses along state Highway 33.

According to documents from 1974, the area belongs to the water district. The water line infrastructure in the area under discussion, which was installed and financed by Perkins, is also part of the dispute.

"We don't want to hurt Perkins any more than they unfortunately will be," said Chris Allen, water district board chairman. "We're going back to the original boundary, so we could start somewhere. We want to work it out to everyone's satisfaction and would like it not to go all the way to litigation."

Perkins' resident Harland Wells said he had been in Perkins since 1966 and the district never claimed the area in question before. If it filed the lawsuit to negotiate, as claimed, then what did the district want?

"To enforce the district's federal statutory rights to be the only supplier of water," said Steve Harris, the water district's attorney. "We want back those customers who are in the water district's area."

State laws limiting who can sell water are designed to help keep water districts financially sound.

"The revenue by law belongs to the water district," Harris said. "It's a tug of war in terms of revenue but, according to the law, that revenue belongs to the district."

"You've been silent for 30 years," countered Wells. "What you're doing is not right."

Harris replied many cities "intentionally infringe" on the district's area and "if the water district doesn't maintain the fight, then rural customers will suffer through increased prices."

Some Perkins' residents in attendance felt the city did not intentionally infringe on the district's area; however, some questioned the district's prolonged silence on an area that, up until the last five to 10 years, had been undeveloped.

If the water district is granted the disputed area, it was said it would benefit rural customers by reduced prices. But the costs that will be incurred by both entities due to a lawsuit may ultimately be passed on to these same customers.

"When it's all done and settled, the cost to both the city of Perkins and the rural water district will be passed on to the end user," said Jack Rosson, Perkins' city manager. "Customers won't be able to afford to pay their water bill when we pay for this lawsuit. Nobody is going to win as long as we're paying the attorney."

Mel Miller, a Perkins resident, asked if a customer currently purchasing water from the city will need to buy water from the water district if its lawsuit is successful.

"The water district cannot force you to purchase water from the district," replied Harris, "but, by law, they can keep others from selling water to you."