



Pend Oreille County Public Utility District

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Pend Oreille PUD Receives Supreme Court Decision

Brock and Diane Maslonka v. Public Utility District No. 1 of Pend Oreille County, et al.

Newport, Washington – This week, the Washington State Supreme Court confirmed that Public Utility District No. 1 of Pend Oreille County (the “PUD”) is not liable to landowners due to the PUD’s operation of Box Canyon Dam. The landowners had sued for alleged damages to their riverfront property due to the dam’s run-of-river operations. The dam was constructed in 1955, and the plaintiffs purchased their property in 1993. The plaintiffs sued the PUD in 2016. The Supreme Court’s opinion affirmed the superior court’s dismissal of the plaintiffs’ claims, and reversed the Court of Appeals’ decision that had overturned that dismissal. The Supreme Court determined that the plaintiffs did not have standing under the “subsequent purchaser rule,” since the alleged damages, if any, arose prior to their ownership of the property. The court’s opinion also held that the plaintiffs’ claim for inverse condemnation barred them from asserting separate tort actions for trespass and nuisance.

“We are very pleased with this result,” said PUD Commission President Curt Knapp. “The court’s opinion not only gives the PUD closure on this litigation, it also clarifies the law for public agencies going forward.”

The case is *Brock and Diane Maslonka v. Public Utility District No. 1 of Pend Oreille County, et al.* The Court’s opinion can be found at <https://www.courts.wa.gov/opinions/pdf/1012411.pdf>.

About Pend Oreille County Public Utility District

Pend Oreille PUD was established in 1936 and began operations in 1948. The PUD is governed by three locally elected Commissioners. A General Manager and staff operate the utility within policies set by the Board of Commissioners. The PUD has four operating systems: The electric system distributes electricity to the county, the production system produces power from the Box Canyon Hydroelectric Project, the water system consists of nine individual water distribution subdivisions, and the community network system provides wholesale broadband communication services. For more information visit: <http://popud.org>.

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